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FOREWORD

DOI: 10.61623/cpe.en.v1n1.a01

Almir Lima Nascimento*

This issue of the *Foreign Policy Journals* brings together twelve articles that reflect the diversity and complexity of contemporary issues in Brazilian foreign policy and international relations. The articles present strategic, economic, social, and environmental developments. Readers are invited to explore topics such as history, diplomacy, defense, development, innovation, and human rights.

In "The Logistics Paradigm in Retrospect: A Literature Review Over Time," the authors critically review the literature discussing the concept of the Logistical Paradigm, proposed by Amado Cervo, as applied to Brazilian foreign policy between 2000 and 2010. The article analyzes how this paradigm, which seeks to combine internal development and greater international integration, was interpreted and debated in Brazilian academia, based on the identification of consensus, criticism, and theoretical updates.

In the article "The Amazon as a Strategic Arena for Brazil's Climate Diplomacy: Frameworks for COP 30," the authors present the Amazon as Brazil's main diplomatic stage in global climate governance—a strategic asset for exerting soft power, building green credibility, and shaping international environmental standards ahead of the 2025 United Nations Climate Change Conference (COP30) in Belém.

Next, in "The Interplay of Law and Politics in the Selection of Alternative Dispute Resolution in the Americas: Assessing the Role of the Pact of Bogotá," the authors discuss the use of alternative dispute resolution (ADR) mechanisms in the context of the American Treaty on Pacific Settlement ("Pact of Bogotá"). The article presents two research questions: (i) whether political factors influence the decision to resort to ADR mechanisms and (ii) the role of legal instruments that provide for ADR in the Americas, specifically whether their existence determines or influences the choice of the specific ADR method.

* Second Class Minister, Director of IPRI/FUNAG.

In "Internationalization of Public Policies: The Internationalization of the Zero Hunger Program as an Instrument of Foreign Policy under the Lula Administrations (2003–2010)," the investigation focuses on the specialized literature about the internationalization of the social program called "Zero Hunger", with the purpose of understanding how the program was strategically mobilized in Brazil's international integration during the Lula da Silva administrations (2003–2010) and how domestic policies can be vectors for international projection and transformation of a country's position in the global system.

In the article "Rule of Law with Chinese Characteristics: Between Economic Opening and Political Control under Xi Jinping," the author seeks to analyze how the rule of law has been constructed, reinterpreted, and operationalized in contemporary China, with an emphasis on the impacts of WTO accession and political centralization under Xi Jinping.

The author of "Autonomy Through Reconstruction: The Foreign Policy of the Lula III Administration" suggests an analysis of the foreign policy of the third Lula administration based on the concept of "autonomy through reconstruction," which expresses the effort to rebuild foreign policy after Bolsonaro and reform the international order in transition. This reconstruction occurs on two levels: internally, with the restoration of a foreign policy committed to democracy; and externally, with a proactive and reformist approach to issues such as climate, social inclusion, and global governance.

In "Uruguay and the Universal Periodic Review: a case study on the LGBTQIAPN+ rights agenda (2009–2018)," the influence of Uruguayan civil society on the LGBTQIAPN+ rights agenda within the framework of the Universal Periodic Review (UPR) between 2009 and 2018 is investigated. It highlights the potential of the UPR as a space for dialogue between civil society and states in the promotion and defense of human rights, emphasizing the transnational role of civil society in the formulation and implementation of public policies.

In the article "Human Deprivation and its Disparities in Afghanistan With its Regions (2007–2018)," the authors use the Human Deprivation Index and the Alkire-Foster model to analyze poverty in three dimensions (health, education, and housing standards) in the eight regions of Afghanistan, a country chosen as a case study for its indexes. The concept of poverty is multidimensional, not limited to the absence of income. The article concludes that specific interventions are required to address the needs of each region of the country, while systemic issues such as conflict and gender inequality are essential to guarantee progress.

For its part, in "Towards a Global Cybersecurity Regime," it is argued that, while the digital transformation of modern societies has boosted their development and well-being, it has also made them dependent on the continuous and proper functioning of information networks. This dependence creates vulnerabilities to systemic failures, human error, accidents, and malicious actions against these systems.

Moving on to the article "Brazilian Naval Diplomacy in Promoting the Defense Industrial Base in the Southern Cone (2021–2023)," the authors investigate the hypothesis that naval diplomacy, through *attachés*, plays a strategic role in strengthening the Defense Industrial Base (BID), expanding its presence and competitiveness on the international stage and, also as a driving force behind this base, contributing to Brazil's insertion into regional production chains.

Presenting a not very well-known episode in the history of Brazilian foreign policy, the article "The Brazilian Embassy in Barcelona: The Transfer of the Brazilian Foreign Ministry Headquarters to Catalonia During the Spanish Civil War (1938–1939)" refers to the brief period when the Brazilian Embassy in Spain operated in Barcelona rather than Madrid. Documentation extracted from the archives of Itamaraty reveals that the Brazilian Foreign Ministry's conduct anticipated its position of strategic neutrality during World War II, as evidenced by its donations of coffee and sugar to both Republicans and Nationalists—albeit in this case under secrecy—and deserves a special section in the history of Brazilian foreign policy.

Finally, in "From Building Bridges to Designing Chips: Brazil–Malaysia Chip Diplomacy and the Need to Innovate in Bilateral Relations with Countries in the Global South," a case study records the efforts undertaken since 2023 to develop a bilateral agenda on semiconductors between Brazil and Malaysia. Called "chip diplomacy," the initiative sought to take advantage of the favorable political context and used innovation diplomacy as a tool to support actions aligned with Brazilian and Malaysian industrial policy priorities, after analyzing the characteristics of the sector in both countries.

This edition of the *Foreign Policy Journals* seeks to offer readers a comprehensive and critical overview of recent changes in international relations, Brazilian foreign policy, and contemporary challenges in diplomacy, defense, international cooperation, global governance, and social change. Each article, in its own way, seeks to contribute to the understanding of the factors that influence and shape Brazil's position in the world and the possible alternatives to the challenges that arise.

With the aim of offering articles that provide information and analysis on Brazilian foreign policy issues, this 16th issue breaks new ground in terms of the format available to the public by launching a bilingual version of the journal. This new effort aims to broaden the reach and impact of the articles presented, seeking to reach a larger number of readers in other countries, thus contributing to a more in-depth public debate in this area in Brazil and abroad.

ARTICLES

THE LOGISTICS PARADIGM IN RETROSPECT: A LITERATURE REVIEW OVER TIME

DOI: 10.61623/cpe.en.v1n1.a02

Gustavo Henrique Feddersen[1]
Igor Estima Sardo[2]

Abstract

This article aims to analyze the theoretical discussion about the Brazilian Logistics paradigm proposed by Amado Cervo in the literature on International Relations, and Brazilian foreign policy, since the research question is whether the theoretical construct of the Logistics Paradigm was influenced by domestic events from 1999 to 2012. The answer to the previous question, that is, the hypothesis, is that the academic debate on such a construct, the Logistics Paradigm, was influenced by the events of the diplomatic offensive that Brazil went through in the first two terms of President Lula. The article uses a review of selected works to address the paradigmatic periodization elaborated by Amado Cervo, and to analyze the beginning and end of the Logistics Paradigm in the academic literature. It is concluded that, in fact, the debate about the paradigm suffered oscillations, going from optimism to skepticism as a result of the end of such a diplomatic offensive.

Keywords: Foreign policy. Diplomacy. South-South Relations.

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O PARADIGMA LOGÍSTICO EM RETROSPECTO: UMA REVISÃO DE LITERATURA AO LONGO DO TEMPO

Resumo

O presente artigo tem por objetivo analisar a discussão teórica acerca do paradigma Logístico brasileiro proposto por Amado Cervo na literatura de Relações Internacionais e política externa brasileira, uma vez que se põe como pergunta de pesquisa se o constructo teórico do paradigma Logístico sofreu influência dos acontecimentos domésticos de 1999 a 2012. A resposta à indagação anterior, ou seja, a hipótese, é que o debate acadêmico de tal constructo, o paradigma Logístico, sofreu influência dos acontecimentos da ofensiva diplomática que o Brasil passou nos dois mandatos iniciais do presidente Lula. O artigo se utiliza de revisão de trabalhos selecionados para abordar a periodização paradigmática elaborada por Amado Cervo e analisar o início e fim do Paradigma Logístico na literatura acadêmica. Conclui-se que, de fato, o debate acerca do paradigma sofreu de oscilações, indo do otimismo ao ceticismo em decorrência do fim de tal ofensiva diplomática.

Palavras-chave: Política Externa. Diplomacia. Relações Sul-Sul.

EL PARADIGMA DE LA LOGÍSTICA EN RETROSPECTIVA: UNA REVISIÓN DE LA LITERATURA A LO LARGO DEL TIEMPO

Resumen

Este artículo tiene como objetivo analizar la discusión teórica sobre el paradigma de la Logística brasileña propuesto por Amado Cervo en la literatura sobre relaciones internacionales y política exterior brasileña, ya que plantea como pregunta de investigación si el constructo teórico del paradigma de la Logística fue influenciado por acontecimientos internos de 1999 a 2012. La respuesta a la pregunta anterior, es decir, la hipótesis, es que el debate académico sobre tal constructo, el Paradigma de la Logística, fue influenciado por los acontecimientos de la ofensiva diplomática que Brasil vivió en los dos mandatos iniciales del presidente Lula. El artículo utiliza una revisión de obras seleccionadas para abordar la periodización paradigmática elaborada por Amado Cervo y analizar el inicio y el fin del paradigma de la Logística en la literatura académica. Se concluye que, efectivamente, el debate sobre el paradigma sufrió oscilaciones, pasando del optimismo al escepticismo a raíz del fin de tal ofensiva diplomática.

Palabras clave: Política exterior. Diplomacía. Relaciones Sur-Sur.

1. Introduction

The history of Brazilian foreign policy has been a topic of debate in Brazilian academia since the beginning of the formation of International Relations (IR) courses in Brazil (Casarões 2018; Milani 2021; Santos 2005). Like any other historical process, it is necessary to analyze it using a method (Braudel 1983; Gustavsson 1999; Hermann 1990; Hudson 1995; Sennes 2003). One of these methods, in this sense, is the paradigmatic periodization of Amado Cervo (2008), a historian of IR, who consecrated a periodization based on historical paradigms of Brazil's development, making a connection between Political Economy, and foreign policy. At the beginning of the 21st century, he was one of the main proponents of a new paradigm in Brazil's diplomatic history, that is, the Logistics Paradigm (Cervo 2008; Cervo and Bueno 2008). This proposition was due to a series of changes in the orientation of Brazilian diplomacy from the 2000s onwards, in the beginning of the Luís Inácio Lula da Silva government (2003–2010).

Brazilian academia quickly reacted to the new analysis, given Amado Cervo's notable output in the area of IR in Brazil, with comments ranging from enthusiasm for the analysis to skepticism regarding the conclusions. Both the proposal for the new paradigm and the academic debate were formed at a time when Brazilian foreign policy, during the Lula administration, was experiencing a "diplomatic offensive" (Silva 2015, 144, authors' translation),[3] which may have compromised the views and analyses about this period with a certain presumption and feeling of presentism, that is, the feeling that what is happening in the present is unprecedented and grandiose.

Therefore, this article investigates whether the theoretical construct of the Logistics Paradigm was influenced by domestic events from 1999 to 2012. The choice of this period is due to Cervo's own work (2008) placing it as the period of the Logistics Paradigm. To support the previous thesis, the hypothesis is that the academic debate on this construct, the Logistics Paradigm, was influenced by the events of the diplomatic offensive that Brazil underwent during the first two terms of President Lula.

To test the hypothesis, a literature review and qualitative analysis will be conducted on selected works that analyze the Logistics Paradigm, both within the period of analysis (1999–2012) and beyond the period, in order to trace the evolution of the theme:[4]

3 In the original: "ofensiva diplomática" (Silva 2015, 144).

4 The presentation of the works was placed in chronological order, considering the themes of each one.

a) *Do otimismo liberal à globalização assimétrica: a política externa do governo Fernando Henrique Cardoso (1995–2002)* (Silva 2008);
b) *A busca de um novo paradigma: política exterior, comércio externo e federalismo no Brasil* (Saraiva 2004);
c) *Desenvolvimento Nacional e Integração Regional: O BNDES como Instrumento de Política Externa no Governo Lula da Silva (2003–2010)* (Freixo and Ristoff 2012);
d) *Política Externa, política de defesa e modelo de desenvolvimento no Brasil: do Estado desenvolvimentista ao Estado Logístico (1930–2017)* (Martins and Nunes 2017);
e) *Política externa e desenvolvimento econômico no Brasil: história e paradigmas (1930–2016)* (Moraes 2019);
f) *A política externa do governo Dilma Rousseff para a América do Sul (2011–2016): o fim do paradigma Logístico?* (Jaeger 2016).

These works for analysis—a doctoral thesis (Silva 2008), a master's dissertation (Jaeger 2016) and four articles (Freixo and Ristoff 2012; Jaeger 2016; Martins and Nunes 2017; Moraes 2019; Saraiva 2004)—were selected using four academic search engines: CAPES Journal, SciElo, Scopus, and Google Scholar, until January 2025, using the keywords "Logistics Paradigm" and "Logistics State". The objective of this research, therefore, is to analyze the theoretical discussion about the Brazilian Logistics Paradigm proposed by Amado Cervo in the literature on IR and Brazilian foreign policy. Finally, the purpose of this research is justified by the need to analyze academic terms in retrospect, in addition to not finding similar work in the same search engines used to conduct the research.

2. Amado Cervo's paradigmatic periodization and the essay on the logistics paradigm

Amado Cervo (2008) divides the history of Brazilian diplomacy into four periods, using paradigmatic separation as a method: the liberal-conservative paradigm (1822–1930), the developmentalist paradigm (1930–1989), the neoliberal paradigm (1990–1999), and the logistics paradigm (2000–2010). For Cervo (2008), "[...] the paradigm includes the perception of interests. The interpretation that leaders make of national interests—social, political, security, economic, cultural—changes with the paradigm shift" (Cervo 2008, 65,

authors' translation).[5] It is interesting to note that Cervo identifies the rise of a new ruling elite as a paradigm shift in Brazilian history, making it possible to draw a parallel between paradigmatic ruptures and the works of elite theorists, such as Wright Mills (1962). Thus, for Cervo there is an intrinsic relationship between development—the fields of economics and sociology—and foreign policy (Cervo and Bueno, 2008).

This association is clear, for example, in his analyses of the liberal-conservative paradigm, in which, for over 100 years, an agro-exporting ruling class dominated the agendas of Brazilian diplomacy:

> Brazilian liberal-conservatives proceeded to interpret the national interest, evoking a concept of a simple society [...] Those leaders unsurprisingly confused the national interest with their own, that is, those of the hegemonic socioeconomic group: securing labor, exporting agricultural products and importing diversified consumer goods (Cervo 2008, 70, authors' translation).[6]

Something to note in Cervo's paradigm model is that it is a long-term variable, that is, the paradigm describes a trend within a long period, which means that short-term variations are allowed. A fruitful parallel can be drawn with the theoretical contributions of Fernand Braudel (1983) to the field of History. For Braudel (1983), there are multiple temporalities in the study of history, with long-term trend events occurring *pari passu* with short—and medium—term trend events. In this sense, even though the liberal-conservative paradigm is a long period of analysis, there are short-term events that deviate from the long-term trend. For Cervo, the liberal face dominated much of the paradigm, but "[t]he conservative side explains the failed industrialization project of the 1840s, the determination to exercise a certain control over the Platine subsystem of International Relations, and the firm negotiation of the borders of the national territory" (Cervo 2008, 70, authors' translation).[7]

5 In the original: "[...] o paradigma inclui a percepção de interesses. A leitura que os dirigentes fazem dos interesses nacionais – sociais, políticos, de segurança, econômicos, culturais – modificam-se com a mudança de paradigma" (Cervo 2008, 65).

6 In the original: "Os liberais-conservadores brasileiros procediam à leitura do interesse nacional, evocando um conceito de sociedade simples, [...] Aqueles dirigentes confundiam, logicamente, o interesse nacional com os próprios interesses, ou seja, os do grupo socioeconômico hegemônico: dispor de mão-de-obra, exportar os frutos da lavoura e importar bens de consumo diversificados" (Cervo 2008, 70).

7 In the original: "[a] face conservadora explica o malogrado projeto de industrialização dos anos 1840, a determinação de exercer um certo controle sobre o subsistema platino de relações internacionais e a negociação firme das fronteiras do território nacional" (Cervo 2008, 70).

The liberal-conservative paradigm only came to an end with a paradigmatic rupture that also required a rupture among the national elites, that is, the 1930 Revolution ended the previous paradigm and gave rise to the developmentalist paradigm. The 1930 Revolution represented the peak of the tenentist movement in Brazil, a movement of middle-ranking officers who saw regional oligarchies as a threat to national integrity, and the state as a tool for national transformation. The Brazilian Army, after the modernization that occurred in the Paraguayan War, became an influential political actor and often interfered in national politics (Silva and Svartman 2014). In this sense, the army and the new urban bourgeoisie promoted modernization and national integration through industrialization and the import substitution process from the Vargas governments to the José Sarney government, whether with the national private sector, the international private sector or the state sector (Cervo 2008; Cervo and Bueno 2008).

In the developmentalist paradigm, as in the previous paradigm, there was a long-term tendency for foreign policy to be oriented autonomously and independently in search of development on a national basis. However, as in the previous example, there were short-term oscillations, such as in the governments of Marechal Dutra (1946–1951), João Café Filho (1954–1955) and Marechal Castello Branco (1964–1967), in which Brazilian diplomacy once again took a dependentist and retractionist turn (Cervo 2008; Cervo and Bueno 2008). It is important to note that the ruling class of the developmentalist paradigm did not come from civil society, but from the state itself: that is, from army officers and government bureaucrats who took over the reins of development, allying themselves both with a nascent national bourgeoisie and with dependent-associated foreign capital (Cardoso and Faletto 2004).

From the 1980s onwards, the Brazilian state began to suffer a series of external shocks—the Second Oil Shock, rising dollar interest rates, the debt crisis, hyperinflation, and stagnation—which led to the exhaustion of the developmentalist paradigm and the withdrawal of the military and the industrial bourgeoisie from the political scene. Once the army returned power to civilians, a vacuum in the ruling class was quickly filled by the urban bourgeoisie that was formed in the 20th century, a business class composed of national capital and dependent-associated capital. Thus, after the election of Fernando Collor de Mello as president in 1990, the developmentalist paradigm was supplanted by the neoliberal paradigm, which sought to adjust the macroeconomic imbalances that Brazil was experiencing through structural shock therapy. To this end, the paradigm relied on commercial and financial openness, rapprochement with the United States (US) and participation of

international regimes that reaffirmed American hegemony in the post-Cold War period (Cervo 2008; Cervo and Bueno 2008).

In this sense, the neoliberal paradigm, also known as normal, is divided into two moments: the Collor government (1990–1992) and the Cardoso era (1992–2002),[8] and Cervo summarizes it as:

> Normal leaders immediately sterilize two key ideas of the developmentalist paradigm: the ideas of national interest and national development project. [...] In the world of Globalization, those leaders understood that national interests are diluted in the order woven by the multilateral arrangement of International Relations and by the systemic course of the forces of capitalism, the so-called *global governance* (Cervo 2008, 80, authors' translation).[9]

However, what is curious when analyzing Cervo's normal paradigm is its extension when compared to the others. In this sense, Cervo even argues that, in fact, the normal paradigm itself may have been an interregnum of paradigms, since the Cardoso era was surrounded by paradigmatic contradictions, something that Cervo called the dance of paradigms:

> [...] while Cardoso's Brazil shows hesitation regarding the pace and coherence to adopt in light of the new model of international insertion and internal organization. Paradigmatic coexistence, although it may seem paradoxical to the analyst, characterizes the Cardoso era, especially because the man who presides over it reveals theoretical inconsistencies and operational hesitations as traits of his personality. Cardoso offers, in effect, the spectacle of the dance of paradigms: the developmentalist paradigm that he takes pleasure in seriously wounding without killing, the normal paradigm that emerges in a prevailing way and the Logistical Paradigm that is being tested as another path (Cervo 2008, 82, authors' translation).[10]

8 Although the period under analysis includes the brief government of Itamar Franco, Cervo considers the decade as Cardoso's era (Cervo 2008, 79).

9 In the original: "Os dirigentes normais esterilizam, de pronto, duas ideias-chave do paradigma desenvolvimentista: as ideias de interesse nacional e de projeto nacional de desenvolvimento. [...] No mundo da Globalização, entendiam aqueles dirigentes, interesses nacionais se diluem na ordem tecida pelo ordenamento multilateral das relações internacionais e pelo curso sistêmico das forças do capitalismo, a chamada *governança global*" (Cervo 2008, 80).

10 In the original: "[...] enquanto o Brasil de Cardoso manifesta hesitações quanto ao ritmo e à coerência a adotar diante do novo modelo de inserção internacional e organização interna. A coexistência paradigmática, embora pareça paradoxal ao analista, caracteriza a era Cardoso, mesmo porque o homem que a preside revela

In this excerpt, Cervo introduces the notion of the Logistics Paradigm as an essay on what Luiz Inácio Lula da Silva's two terms in office (2003–2010) were like, that is, a dialectical synthesis between the two previous paradigms. At this point in the analysis, it is already possible to perceive the prominent light that Amado Cervo places on the figure of the state as an inducer of development, a fact that raises criticism upon his work. Not surprisingly, Cervo does not hide his disdain for the normal paradigm:

> At the end of the 20th century, however, after the developmentalist phase, the same rules established by the hegemonic structures of capitalism were once again accepted, passively, as in the previous century. The two years, 1930 and 1990, became symbols of a paradigmatic rupture in Brazil's International Relations, in a countermovement (Cervo 2008, 76, authors' translation).[11]

Regarding this perception, Paulo Roberto de Almeida (1993, 30–31, authors' translation)[12] criticizes him:

> A single problem raises this synthesis [...]. He [Cervo] refers to a question of a strictly methodological order, namely, the monitoring of foreign policy according to the Hegelian vision, [...] following the unfolding of History according to a guiding idea, not necessarily preconceived, but unmistakably conceived *a posteriori*, in this case, the incessant search for economic development and the role of the state in this process [...].

In this sense, an initial critique arises of Cervo's (2008) concept of paradigm, as it possibly carries a preconceived guiding idea. Far from being a serious methodological flaw, the concept is still extremely powerful in its explanatory nature. However, it opens flanks for methodological attack, as

incoerências teóricas e hesitações operacionais como traços de sua personalidade. Cardoso oferece, com efeito, o espetáculo da dança dos paradigmas: o desenvolvimentista que ele se compraz em ferir gravemente sem matar, o normal que emerge de forma prevalecente e o Logístico que se ensaia como outra via (Cervo 2008, 82).

11 In the original: "Ao termo do século XX, entretanto, após a fase desenvolvimentista, as mesmas regras fixadas pelas estruturas hegemônicas do capitalismo voltaram a ser aceitas, de modo passivo, como no século anterior. Os dois anos, 1930 e 1990, arvoram-se símbolos de ruptura paradigmática das relações internacionais do Brasil, em movimento contrário" (Cervo 2008, 76).

12 In the original: "Um único problema suscita essa síntese [...]. Ele [Cervo] se refere a uma questão de ordem propriamente metodológica, a saber, o monitoramento da política exterior segundo a visão hegeliana, [...] acompanhando o desenrolar da História segundo uma ideia-guia, não necessariamente preconcebida, mas indisfarçavelmente concebida a posteriori, no caso, a busca incessante do desenvolvimento econômico e o papel do Estado nesse processo [...]" (Almeida 1993, 30–31).

will be seen below. Such gaps led other authors to work with periodizations that compete with Cervo's.

Ricardo Sennes (2003), for example, works with the concept of foreign policy matrix, encompassing long-term trends in shorter and more restricted periods; Charles Hermann (1990) works with the notion of degrees of change in foreign policy, with changes, on an increasing scale, of (i) program, (ii) objective, and (iii) orientation; Martins and Nunes (2017) use the notion of type of state, restricted to even shorter periods of analysis, as in this case, from 1999 to 2012. As can be seen, when it comes to History, the periodization method is never closed to revisions and contributions.

3. The Logistics Paradigm: from 1999 to 2012

Finally, Cervo introduces the concept of the Logistics Paradigm as a synthesis of the previous paradigms, given that "[t]he ideology underlying the Logistics State paradigm associates an external element, liberalism, with an internal element, developmentalism. It merges the classical doctrine of capitalism with Latin American structuralism" (Cervo 2008, 85, authors' translation).[13] Thus, the Logistics Paradigm came from the idea of outsourcing old state functions of the developmentalist paradigm to civil society, such as growth, but without neglecting the role of the state in promoting national autonomy. Therefore, this paradigm "[keeps] legacies of neoliberalism, such as fiscal responsibility, monetary stability, incentives for foreign investment, and opening up markets" (Cervo 2008, 83, authors' translation),[14] but with greater guidance and direction from the Ministries of Finance, Planning, Industry, Commerce etc. (Cervo and Bueno 2008; Cervo 2008).

Now, what concerns the question of this work is how the debate about the Logistics Paradigm took place in the period from 1999 to 2012. In this regard, the academic debate gained depth, with Cervo arguing that "[t]he introduction of the Logistics Paradigm during the Cardoso era was no more than a trial" (Cervo 2008, 83, authors' translation),[15] even though the "dance of paradigms" occurred during the Cardoso administration (Cervo 2008, 82,

13 In the original: "[a] ideologia subjacente ao paradigma do Estado Logístico associa um elemento externo, o liberalismo, ao outro interno, o desenvolvimentismo. Funde a doutrina clássica do capitalismo com o estruturalismo latino-americano" (Cervo 2008, 85).

14 In the original: "[guarda] heranças do neoliberalismo, como responsabilidade fiscal, estabilidade monetária, estímulos aos investimentos estrangeiros e abertura de mercados" (Cervo 2008, 83).

15 In the original: "[a] introdução do Paradigma Logístico durante a era Cardoso não foi além de um ensaio" (Cervo 2008, 83).

authors' translation).[16] In this regard, André Luiz Reis da Silva (2008) agrees with Cervo, in part, when he writes that the paradox of more than one paradigm coexisting at the same time in Brazilian foreign policy led to the agony of the decision-making process and the developmentalist state, igniting the normal state and the rehearsal of the Logistics state, since "the blame for the difficulties of foreign policy lies precisely in experiencing a democratic regime, which would make its definition difficult, being in permanent reorientation" (Silva 2008, 147, authors' translation).[17]

For Silva (2008, 148, authors' translation),[18] this occurs because "adherence to neoliberalism was not complete, demonstrating the persistence (acknowledged by Amado Cervo) of the developmentalist paradigm." Furthermore, a central theme of his work, Silva (2008) argues that neoliberalism in Brazil brought setbacks that were quickly reversed by the Brazilian state, both in the sphere of political decision-making and in foreign policy discourse. This shift from neoliberal optimism to the discourse of asymmetric globalization was, above all, due to the exchange rate crisis of January 1999 that Brazilian Real went through. No longer able to sustain the exchange rate band regime, the Brazilian Real suffered a strong devaluation due to intense capital flight. Frustrated with his dependent-associated development plan, Cardoso began to advocate in favor of controls on the movement of international capital and against asymmetric globalization (Silva 2008). Going further, José Miguel Quedi Martins and Raul Cavedon Nunes (2017 204, authors' translation)[19] argue along the same line, considering that "[the] transition from the strategy of autonomy through integration to 'autonomy through assertiveness' had already begun in the 2nd FHC government, but [was] consolidated in the Lula government, from 2002 onwards."

In this sense, Silva (2008) and Cervo (2008) point out that the Logistics Paradigm had its embryo as early as 1999 during the Cardoso administration. For Silva (2008), commenting on Cervo (2008), the setbacks in foreign policy forced the Cardoso government to evolve from subservience to a more realistic foreign trade policy, seeking to export more than import in order to

16 In the original: "dança dos paradigmas" (Cervo 2008, 82).

17 In the original: "a culpa das dificuldades da política externa está justamente em estar vivenciando um regime democrático, o que dificultaria sua definição, estando em permanente reorientação" (Silva 2008, 147).

18 In the original: "a adesão ao neoliberalismo não foi integral, mostrando a persistência (admitida por Amado Cervo) do paradigma desenvolvimentista" Silva (2008, 148).

19 In the original: "[a] transição da estratégia da autonomia pela integração para a 'autonomia pela assertividade' começara já no 2º governo FHC, mas [foi] consolidada no Governo Lula, a partir de 2002" (Martins and Nunes 2017, 204).

overcome the problems in the Balance of Payments, one of the characteristics of the Logistics Paradigm. From the point of view of the perception of IR, the Logistics State seems well defined even under Cardoso, but from the point of view of external action, this program gained more substance from 2003 onwards, with the beginning of the Lula government (Cervo 2008).

For José Flávio Sombra Saraiva (2004, 140, authors' translation)[20] "[t]he concept of the Logistics State presupposes overcoming both the model of unbridled liberal insertion and the nationalist developmentalism of the past." In this regard, there are two elements that make up the Logistics State for Saraiva: "[..] on the one hand, it advocates the construction of the means of power and, on the other, its use to assert comparative advantages of an intangible nature, such as science, technology, and entrepreneurial capacity" (2004, 140–141, authors' translation).[21] For Isaías Albertin de Moraes (2019), the Logistics Paradigm recovered developmentalism under a new guise: new developmentalism. This is characterized by:

> [...] i) promotion of national development; ii) overcoming external vulnerability through trade surpluses; iii) foreign trade as a stimulus to domestic production and not only for price control and monetary stability; iv) promotion of the multipolar world order in a realistic and pragmatic way; v) South-South axis as a priority, without excluding the importance of the North-South axis; vi) strong regionalism and bilateral activism; vii) the principle of non-indifference is as important as the principle of non-intervention; viii) autonomy through diversification, search for new partnerships and economic-political spaces (Moraes 2019, 132, authors' translation).[22]

Since the economic face of the Logistics State is the new developmentalism, the face of foreign policy was revealed as a diplomatic offensive with three axes:

20 In the original: "[o] conceito de Estado Logístico supõe a superação tanto do modelo de inserção liberal desenfreada quanto do desenvolvimentismo nacionalista de antes" (Saraiva 2004, 140).

21 In the original: "[..] por um lado, advoga-se a construção dos meios de poder e, por outro, sua utilização para fazer valer vantagens comparativas de natureza intangível, como a ciência, a tecnologia e a capacidade empresarial" (Saraiva 2004, 140–141).

22 In the original: "[...] i) promoção do desenvolvimento nacional; ii) superação da vulnerabilidade externa por meio de superávits comerciais; iii) comércio exterior como estímulo à produção interna e não somente para controle de preços e estabilidade monetária; iv) promoção da ordem mundial multipolar de forma realista e pragmática; v) eixo Sul-Sul como prioritário, sem excluir a importância do eixo Norte-Sul; vi) forte regionalismo e ativismo bilateral; vii) o princípio de não indiferença é tão importante quanto o princípio de não-intervenção; viii) autonomia pela diversificação, busca de novas parcerias e espaços econômico-políticos" (Moraes 2019, 132).

> [...] i) abandoning the illusion of a multilateral and harmonious world advocated by the neoliberal paradigm; ii) rescuing the realistic and practical vision of the independence supporters; iii) seeking to structure a multilateralism of reciprocity between central and peripheral countries. In the economic issue, the Logistics State operates in two ways: i) by aggregating national enterprises to international production chains; ii) by direct investments abroad, initially in neighboring countries (Moraes 2019, 133, authors' translation).[23]

At the intersection of these two faces—the economic and the diplomatic—there is a project to promote large Brazilian companies to internationalize and conquer foreign markets, the so-called National Champions. To this end, the Lula government made extensive use of the National Bank for Economic and Social Development (BNDES, in Portuguese) as a foreign policy instrument, promoting Brazilian companies worldwide, especially in South America (Freixo and Ristoff 2012). For Freixo and Ristoff (2012), and Bruna Jaeger (2016), the promotion of national companies in South America had a clear strategy of regional integration, under Brazilian leadership, replacing open regionalism with increasing integration. In the words of Jaeger (2016, 44, authors' translation),[24] "[a]long the logistics paradigm observed in the Lula da Silva government, major strategic projects for regional development were agreed upon." In the wake of promoting the internationalization of companies, the Logistics Paradigm period also included industrial policies to encourage productivity gains, such as the Industrial, Technological and Foreign Trade Policy (PITCE, in Portuguese), of 2003, and the Productive Development Policy (PDP), of 2004. Both policies were strongly inspired by neo-Schumpeterian principles to promote Brazilian companies into strong international competitors (Freixo and Ristoff 2012).

Finally, one last aspect worthy of note is the Logistics State's quest for autonomy and assertiveness, y increasing military capabilities. In 2008, the National Defense Strategy was announced, which rethought Brazil's

23 In the original: "[...] i) abandono da ilusão de mundo multilateral e harmonioso preconizados pelo paradigma neoliberal; ii) resgate da visão realista e prática dos independentistas; iii) busca da estruturação de um multilateralismo de reciprocidade entre países centrais e periféricos. Na questão econômica, o Estado Logístico opera de dois modos: i) pela agregação dos empreendimentos nacionais às cadeias produtivas internacionais; ii) por investimentos diretos no exterior, inicialmente nos países vizinhos" (Moraes 2019, 133).

24 In the original: "[a]o longo do Paradigma Logístico observado no governo Lula da Silva, grandes obras de cunho estratégico para o desenvolvimento regional foram acordadas" (Jaeger 2016, 44).

international insertion and preparation for national protection. In the same year, talks began for the acquisition of fourth-and-a-half generation fighter jets (Gripen) from Sweden. Furthermore, previously announced objectives were formalized in 2012 in the National Defense White Paper, such as the doubling of the navy fleet, the commissioning of a nuclear submarine, the ASTROS 2020 Anti-Aircraft Defense Project, the acquisition of a new fleet of armored vehicles, the construction and launch of a geostationary satellite, new rockets, etc. (Martins; Nunes, 2017). Regarding the Logistics State's role in building new capabilities:

> [...] the Logistics State once again sought to acquire productive and military capabilities of the 3rd Industrial Revolution. It can be said that the Logistics State sought to synthesize the demands of autonomy (Developmentalist State) and modernization (Liberal State) through the attraction of infrastructure companies to the defense industry and the formation of south-south, south-east and south-north partnerships (Martins and Nunes 2017, 193, authors' translation).[25]

Therefore, the many facets of the logistics state are evident, and it is difficult to summarize them in a few words. At the time of the presentation, it was clear that the Logistics Paradigm had its embryo in 1999, and its full development during the first decade of the 21st century, especially during the Lula administrations (2003–2010). However, what is still a matter of debate is when, and if, the Logistics Paradigm came to an end.

4. The logistics paradigm: decline or retreat?

Setting an end date for any historical process is an arbitrary attitude, however deeply founded. In this regard, there is a relative consensus that the Logistics Paradigm ended, or at least withdrew, in the middle of the second decade of the 20th century (Cervo and Lessa 2014; Moraes 2019; Jaeger 2016; Martins and Nunes 2017). However, two questions are valid: until what point did the Logistics Paradigm last and whether the Logistics Paradigm had continuity

25 In the original: [...] o Estado Logístico, voltou a buscar adquirir capacidades produtivas e militares da 3ª Revolução Industrial. Pode-se dizer que o Estado Logístico buscou sintetizar as demandas de autonomia (Estado Desenvolvimentista) e de modernização (Estado Liberal) por meio da atração de empresas de infraestrutura para a indústria de defesa e a formação de parcerias sul-sul, sul-leste e sul-norte (Martins and Nunes 2017, 193).

after the diplomatic offensive of the Lula government. For Jaeger (2016), although there was continuity of the Logistics State between the Lula (2003–2010) and Dilma Rousseff (2011–2016) administrations, from 2013 onwards, there were already seeds of contraction of the diplomatic offensive. Analyzing from the perspective of regional integration, Jaeger argues that:

> [...] it is notable that expectations regarding Brazil's role as an inducer of physical integration were not confirmed. The internal bottlenecks of the Brazilian economy, combined with pressure from conservative groups, have made the effectiveness of these actions quite slow and limited since the Lula period and many projects have not been carried out (Jaeger 2016, 47, authors' translation).[26]

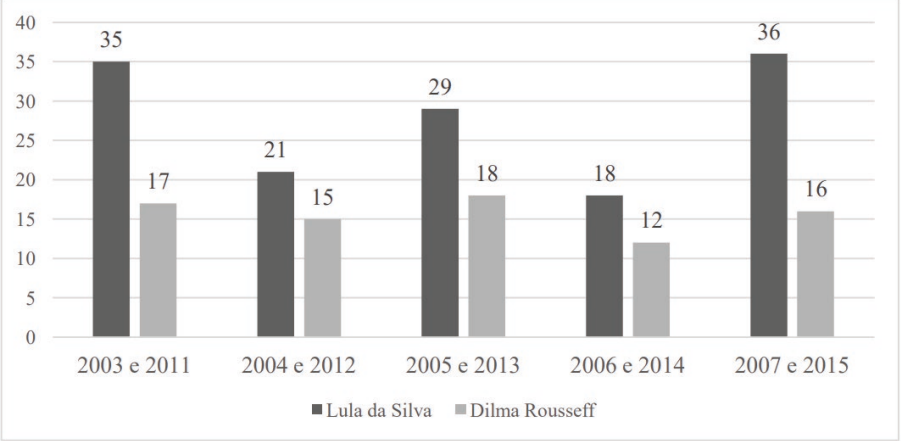
This is clear in two symptomatic aspects: reduction of regional travel and investments in infrastructure in South America. For Jaeger, "[Based on] the indicator of presidential trips, one can see a retreat and decrease in Rousseff's external and regional profile compared to Lula" (Jaeger 2016, 39, authors' translation),[27] and, furthermore, "[w]hile in the second Lula government there was a 50% increase in the IIRSA [Initiative for the Integration of Regional Infrastructure in South America] project portfolio compared to the first term, in the Dilma government there was an increase of only 9% compared to the previous government" (Jaeger 2016, 46, authors' translation).[28]

26 In the original: [...] é notável que a expectativa em relação ao papel do Brasil como indutor da integração física não se confirmou. Os gargalos internos da economia brasileira, somados às pressões dos grupos conservadores, tornaram a efetividade dessas ações bastante lentas e limitadas desde o período Lula e muitos projetos não foram levados adiante (Jaeger 2016, 47).

27 In the original: "[t]endo como base o indicador das viagens presidenciais, percebe-se um recuo e diminuição no perfil externo e regional de Rousseff em comparação a Lula" (Jaeger 2016, 39).

28 In the original: "[e]nquanto no segundo governo Lula houve um aumento de 50% na carteira de projetos da IIRSA [Iniciativa para a Integração da Infraestrutura Regional Sul-Americana] em relação ao primeiro mandato, no governo Dilma houve um aumento de apenas 9%, comparativamente ao governo anterior" (Jaeger 2016, 46).

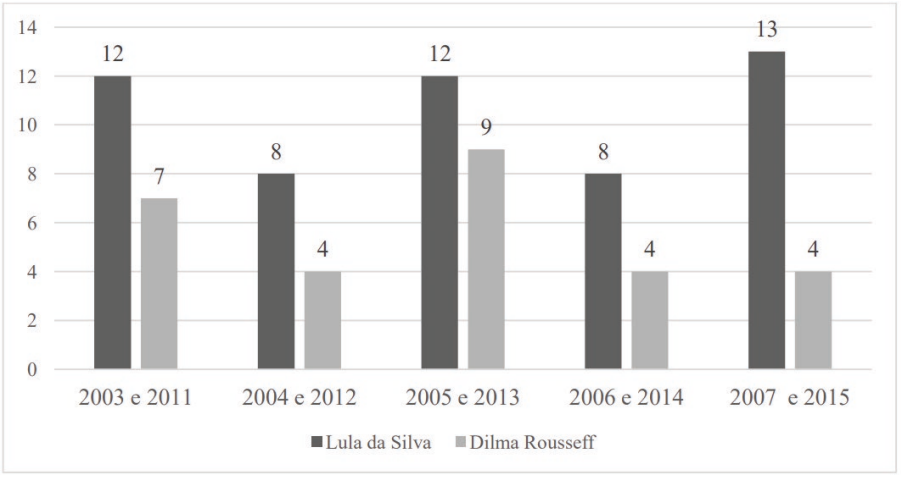
Chart 1. Official International Trips by the Presidency of the Republic (2003–2007; 2011–2015)



Source: Jaeger (2016, 36).

Chart 1 clearly shows that the diplomatic offensive began at the end of the Cardoso administration was withdrawn during the first term of the Rousseff administration. The picture becomes even clearer when comparing, in Chart 2, trips to South American countries, strategic partnerships to Brazil.

Chart 2. Presidential Trips to South American Countries (2003–2007; 2011–2015)



Source: Jaeger (2016, 38).

On the other hand, from the perspective of Amado Cervo and Carlos Lessa (2014, 134), the "efficiency of the Logistics Paradigm" was hampered during the Rousseff administration, without making it very clear when this process of decline began. Although the authors mention the internal crisis of "June-July 2013" (Cervo and Lessa 2014, 136), they seem to consider Rousseff's government as a constant decline. As stated in their words:

> After a period of ascension of the country as an emerging power, Brazil's international insertion began to decline between 2011 and 2014. The causes that determined the change and the new trend are located in the weakening of the dialogue between the state and dynamic segments of society; in the loss of confidence of national and foreign investors and businesspeople in the government; in the weakening of strategies and the lack of new ideas capable of motivating external agents; in the stagnation of public management with the loss of the state's capacity to induce; finally, in the protagonism of Russia and China within the BRICS (Cervo and Lessa 2014, 149, authors' translation).[29]

For both, the causes of the decline in foreign policy after the Lula government are found in the domestic domain. However, the authors still recognize that the Logistics Paradigm is present in two sectors during this period from 2011 to 2014: "agribusiness and the expansion of Brazilian companies abroad, that is, economic internationalization. In the sphere of humanitarian multilateralism and international security, principles and conduct remain the same" (Cervo and Lessa 2014, 150, authors' translation).[30]

For Moraes (2019) and Martins and Nunes (2017), the Logistics State had clear developments after the Lula da Silva administration. Moraes (2019) does not explicitly state the causes of the end of the Logistics Paradigm, but points out that it ended in 2016 (Moraes 2019, 136). Meanwhile, Martins and Nunes argue that the crisis of the Logistics State occurred in stages, since

29 In the original: "Após uma fase de ascensão do país como potência emergente, a inserção internacional do Brasil entra em declínio entre 2011 e 2014. As causas que determinam a mudança e a nova tendência localizam-se no enfraquecimento do diálogo entre Estado e segmentos dinâmicos da sociedade; na quebra da confiança de investidores e empresários nacionais e estrangeiros no governo; no enfraquecimento de estratégias e inexistência de ideias novas capazes de motivar agentes externos; no emperramento da gestão pública com perda da capacidade indutora do Estado; enfim, no protagonismo de Rússia e China no seio do Brics" (Cervo and Lessa 2014, 149).

30 In the original: "o agronegócio e a expansão para fora de empresas brasileiras, isto é, a internacionalização econômica. Na esfera do multilateralismo humanitário e da segurança internacional, princípios e conduta se mantêm" (Cervo and Lessa 2014, 150).

"[t]he crisis of this model occurred from 2013 onwards, during the Dilma Rousseff government, and was consolidated in 2015, with the beginning of the impeachment process and the rise of Michel Temer to the Presidency of Brazil in 2016" (Martins and Nunes 2017, 193, authors' translation).[31] In the authors' view, the causes of the retraction and end of the Logistics Paradigm are more at an international level:

> The resurgence of international economic, political and military disputes highlighted the shortcomings of the Brazilian development model adopted until then (Logistics State), mainly in relation to the sustainability of investments in the Defense Industrial Base, which were directly curtailed (Martins and Nunes 2017, 213, authors' translation).[32]

However, Martins and Nunes (2017) compare the situation after 2016 with the diplomatic model of the 1990s, that is, a model of macroeconomic adjustment, international realignment and diplomatic withdrawal. In their words:

> In this context, Brazilian foreign policy is experiencing a similar moment to that of the late 1980s and 1990s: a new process of economic opening aimed at compensating for the growing public deficit, and the absence of a strategy to deal with an international environment that is increasingly hostile to the country's aspirations (Martins and Nunes 2017, 214, authors' translation).[33]

There is certainly a consensus regarding the end of the Logistics Paradigm, but not when it ended. This indecision is symptomatic of the academic debate that has taken place around this moment in the history of Brazilian foreign policy. As previously discussed, the term paradigm for the period 1999–2012 is still very controversial, as it is loaded with Cervo's guiding idea. Cervo and

31 In the original: "[a] crise deste modelo ocorreu a partir de 2013, já no Governo de Dilma Rousseff, e foi consolidada em 2015, com o início do processo de impeachment e a ascensão de Michel Temer à Presidência do Brasil em 2016" (Martins and Nunes 2017, 193).

32 In the original: "O recrudescimento das disputas econômicas, políticas e militares internacionais explicitaram as carências do modelo de desenvolvimento brasileiro até então adotado (Estado Logístico), principalmente em relação à sustentabilidade dos investimentos na Base Industrial de Defesa, que foram diretamente cerceados" (Martins and Nunes 2017, 213).

33 In the original: "Neste contexto, a Política Externa Brasileira vive um momento semelhante ao do final dos anos 1980 e anos 1990: um novo processo de abertura econômica visando compensar o crescente déficit público, e a ausência de uma estratégia para lidar com um ambiente internacional cada vez mais hostil às pretensões do país" (Martins and Nunes 2017, 214).

Lessa (2014) still use the term paradigm to describe the decline of Brazilian foreign policy, and in using it, Cervo borrows from Thomas Kuhn's (1988) methodology, in which a paradigm surpasses and denies the previous one (Moraes 2019). As also mentioned previously, history occurs simultaneously, with long-term variables coexisting with short-term ones (Braudel 1983). The logistics paradigm, from this perspective, could be a short-term variable inserted in the larger process of the neoliberal paradigm, which may not yet have ended. In this sense, the concept of the logistics paradigm may be undermined, not only by its short duration when compared to other paradigms, but also by the process of erosion that the term has undergone in academic literature, ranging from optimism to skepticism. In Table 1, it is possible to apply Charles Hermann's (1990) methodology of Foreign policy changes to understand the emptying of the logistics paradigm.

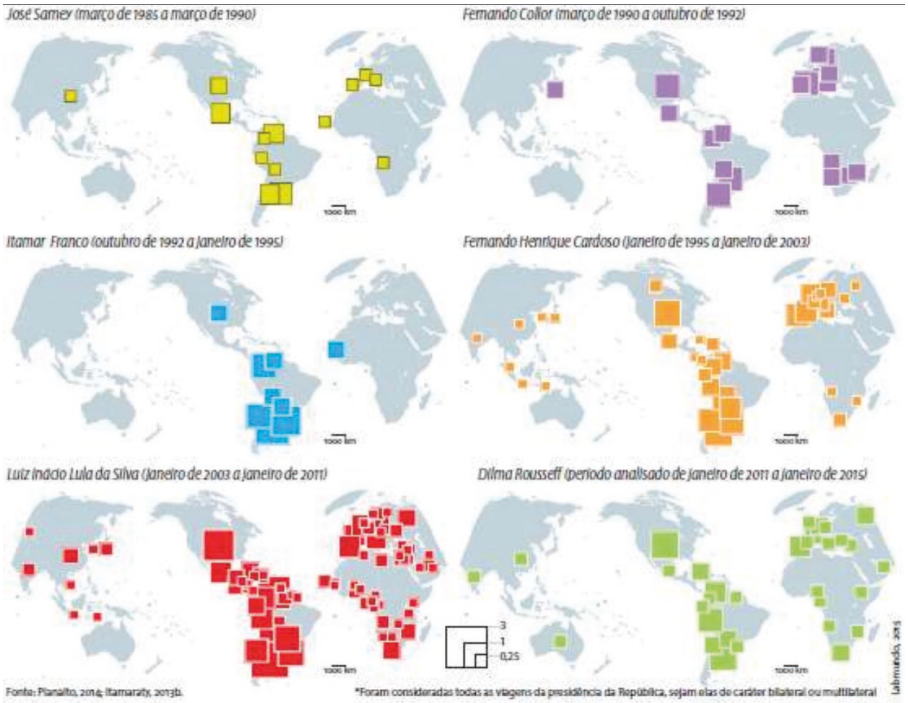
Table 1. Levels of Change in foreign policy

Adjustment Changes	Changes occur in the level of effort (greater or lesser) and/or in the scope of recipients (such as refinement in the class of targets). What is done, how it is done, and the purposes for which it is done remain unchanged.
Program Changes	Changes are made in the methods or means by which the goal or problem is addressed. In contrast to adjustment changes, which tend to be quantitative, program changes are qualitative and involve new instruments of statecraft (such as the pursuit of a goal through diplomatic negotiation rather than military force). What is done and how it is done changes, but the purposes for which it is done remain unchanged.
Problem/Goal Changes	The initial problem or goal that the policy addresses is replaced or simply forfeited. In this foreign policy change, the purposes themselves are replaced.
International Orientation Change	The most extreme form of foreign policy change involves the redirection of the actor's entire orientation toward world affairs. In contrast to lesser forms of change that concern the actor's approach to a single issue or specific set of other actors, orientation change involves a basic shift in the actor's international role and activities. Not one policy but many are more or less simultaneously changed.

Source: Jaeger 2016, 48, prepared by the author based on Hermann (1990, 5).

Table 1 highlights that between the Lula and Rousseff administrations, there were adjustments that, by changing the intensity, impacted the conduct of foreign policy and, consequently, the Logistics Paradigm. Intensity, which is a quantitative characteristic, cannot be neglected in the analysis of foreign policy.

Map 1. Destination and Average Annual Travel Times of Brazilian Presidents



Source: Milani et al. (2014).

As shown in Map 1, the destination and average annual travel times of Presidents Itamar Franco and Dilma Rousseff clearly demonstrate how the Logistics Paradigm was tested under Cardoso, deepened under Lula, and withdrawn under Rousseff (Jaeger 2016). From another perspective, Saraiva (2004) showed his enthusiasm for the paradigmatic revolution taking place in Brazil when analyzing the emergence of the logistics paradigm with federalism in Brazil. In his words, "urgent measures are needed to demonstrate the desire to build a new paradigm that better articulates Brazilian federalism with the modernization undertaken by the country's own politics and foreign trade"

(Saraiva 2004, 157, authors' translation).[34] Furthermore, the author is emphatic in announcing that "[a] paradigm shift is necessary. The traditional concept of state sovereignty is being challenged, as it allows for the revitalization of areas that are undeniably linked to interests and cooperation with subnational units" (Saraiva 2004, 137, authors' translation).[35]

At a time when the Brazilian diplomatic offensive was still underway, Freixo and Ristoff (2012) analyzed the Logistics paradigm as a long-lasting process, capable of generating new research. For the authors, "[...] with the recent end of the Lula government, which contributed to changes in the new international economy and in the structures of global power, a broad space for research on this period has opened up" (Freixo and Ristoff 2012, 30, authors' translation).[36]

In an interesting contradiction, for Moraes (2019), who already considered the Logistics Paradigm to have ended in 2016, the analytical category of the paradigm represents significant theoretical and scientific value. The author's euphoria regarding the term "Logistics paradigm" does not fade even knowing its short duration:

> The Logistics Paradigm seeks to overcome the values of the neoliberal paradigm while restructuring the system of ideas and world perception of the developmentalist paradigm and can therefore be considered a significant theoretical and scientific advance in the community and in the developmentalist reference (Moraes 2019, 136, authors' translation).[37]

On the other hand, even Silva (2008; 2015), who was optimistic about the diplomacy of the Lula administration, was reticent and skeptical about the concept of paradigm used by Cervo, especially with regard to the dance of paradigms from 1999 to 2002, that is, the test of the Logistics paradigm

34 In the original: "[m]edidas urgentes, a evidenciar a vontade de construção de um novo paradigma que melhor articule o federalismo brasileiro com a modernização empreendida pela própria política e comércio exterior do país, são necessárias" (Saraiva 2004, 157).

35 In the original: "[a] mudança de paradigma se faz necessária. O conceito tradicional de soberania estatal é posto em xeque, ao permitir engendrar a revitalização de áreas incontestavelmente ligadas a interesses e cooperações com as unidades subnacionais" (Saraiva 2004, 137).

36 In the original: "[...] com o término recente do governo Lula, que contribuiu para mudanças na nova economia internacional e nas estruturas de poder mundial, abre-se um amplo espaço de pesquisas sobre esse período" (Freixo and Ristoff 2012, 30).

37 In the original: "O paradigma Logístico procura superar os valores do paradigma neoliberal ao mesmo tempo em que reestrutura o sistema de ideias e percepção de mundo do paradigma desenvolvimentista, podendo, portanto, ser considerado um avanço teórico e científico significativo na comunidade e na referência desenvolvimentista" (Moraes 2019, 136).

during the second term of Fernando Henrique Cardoso. When analyzing the continuity of such a paradigm in the Rousseff government, Jaeger (2016) recognizes its end with a certain skepticism and pessimism. Finally, for Martins and Nunes (2017), pessimism regarding the use of the Logistics Paradigm is underlying not only the recognition of the end of the Logistics State, but also the use of the term Logistics State as more appropriate, disregarding Cervo's term, without denying its important contribution.

5. Conclusion

Amado Cervo is considered one of the leading authors on the analysis of Brazilian foreign policy and the history of IR in Brazil. The impact of his work and commentaries is so strong that he inaugurated one of the most common ways of separating the history of Brazilian diplomacy, that is, into four paradigms that intertwine dialectically with Brazil's economic and social development. This work sought to analyze how the concept of the Logistics Paradigm developed during the period of its implementation, that is, from 1999 to 2012, not restricted to the diplomatic offensive of the Lula da Silva government (2003–2010).

To this end, in its first section, the work reviewed the classical periodization of the history of Brazilian foreign policy in order to demonstrate the method of periodization of Brazilian diplomatic history employed by classical literature (Cervo 2008; Cervo and Bueno 2008) and the method employed by this article. In the second section of the research, the concept of the Logistics Paradigm was presented more specifically, its essay during the end of the Cardoso government and the contemporary interpretations of the concept. Finally, in the last part of the work, the process of decline of the Logistics Paradigm and the general interpretations of this period were investigated, bringing the balance of the impressions of contemporary analysts.

Using the method of bibliographic review and descriptive analysis, the article selected and discussed six works (Freixo and Ristoff 2012; Jaeger 2016; Martins and Nunes 2017; Moraes 2019; Saraiva 2004; Silva 2008) that addressed the Logistics paradigm in different periods of research and analysis to expose the researchers' impressions about the beginning and end of the Brazilian diplomatic offensive and, equally, about their optimism or skepticism regarding the proposition of the new concept.

It is satisfactorily concluded that the hypothesis—that the academic debate on the Logistics Paradigm was influenced by the events of the *diplomatic*

offensive—answered the question of whether such academic debate changed during the 1999–2012 period, given that the hypothesis test, through the aforementioned methodology, was plausible. Furthermore, the objective of this article of analyzing how the concept of the Logistics Paradigm applies to the period 1999–2012 was also fulfilled. Finally, although the academic purpose of this work is justified by the importance of discussing important terms of literature in retrospect, the possibility of this research being susceptible to criticism, contributions, and even overcoming cannot be ruled out.

In order to indicate possible routes for continuing the research outlined above, it is considered that the debate presented here can serve as a basis for analyzing the foreign policy of governments after the period discussed here. In the future, the possibility of new lines of Brazilian foreign policy presenting, or not, characteristics that synthesize previous approaches could be analyzed, possibly analyzing the governments of Michel Temer (2016–2018), Jair Bolsonaro (2019–2022), and the third term of Lula da Silva (2023 onwards). In addition to this possibility, and based on other theoretical tools developed more recently in the field of foreign policy Analysis, one could also correlate the debates on diplomatic bureaucracy, decision-making processes, and studies of cognitive processes with the periodization developed by Cervo. Finally, it is also considered pertinent to bring together constructivist theories of International Relations, especially their focus on the process of constructing identities as a basis for the articulation of external interests, with Cervian paradigms, as a way of explaining short-term fluctuations within the longer horizons of foreign policy paradigms.

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THE AMAZON AS A STRATEGIC ARENA FOR BRAZIL'S CLIMATE DIPLOMACY: FRAMEWORKS FOR COP30

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Abstract

This article reframes the Amazon as Brazil's strategic diplomatic arena for COP30, applying complexity frameworks to enhance climate diplomacy. Using David Snowden's Cynefin, Estuarine Mapping, and Scaffolding approaches, we analyze how economic activities in the Amazon shape Brazil's international position. The research demonstrates that soy production, bioeconomy initiatives, and institutional reforms can be leveraged as diplomatic assets rather than merely domestic concerns. By distinguishing between fixed constraints and negotiable tensions in climate negotiations, Brazil can develop adaptive strategies that strengthen its credibility while advancing national interests. The paper proposes three strategic scenarios for COP30: Brazil as Global Mediator, Innovation Laboratory, or South-South Leader. We conclude that effective climate diplomacy requires creating conditions for beneficial emergence rather than rigid planning, positioning Brazil to transform the Amazon from a contested space into a platform for international leadership.

Keywords: Climate Change. International Relations. Environmental Diplomacy. Sustainable Development. Governance.

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A AMAZÔNIA COMO ARENA ESTRATÉGICA DA DIPLOMACIA CLIMÁTICA BRASILEIRA: *FRAMEWORKS* PARA A COP30

Resumo

Este artigo reposiciona a Amazônia como arena diplomática estratégica do Brasil para a COP30, aplicando *frameworks* de complexidade para aprimorar a diplomacia climática. Utilizando as abordagens de Cynefin, Mapeamento Estuarino e Scaffolding de David Snowden, analisamos como as atividades econômicas na Amazônia moldam a posição internacional do Brasil. A pesquisa demonstra que a produção de soja, iniciativas de bioeconomia e reformas institucionais podem ser aproveitadas como ativos diplomáticos, não apenas questões domésticas. Ao distinguir entre restrições fixas e tensões negociáveis nas negociações climáticas, o Brasil pode desenvolver estratégias adaptativas que fortaleçam sua credibilidade enquanto avançam interesses nacionais. O artigo propõe três cenários estratégicos para a COP30: Brasil como Mediador Global, Laboratório de Inovação ou Líder Sul-Sul. Concluímos que a diplomacia climática eficaz requer a criação de condições para emergência benéfica em vez de planejamento rígido, posicionando o Brasil para transformar a Amazônia de espaço contestado em plataforma de liderança internacional.

Palavras-chave: Mudança Climática. Relações Internacionais. Diplomacia Ambiental. Desenvolvimento Sustentável. Governança.

LA AMAZONÍA COMO ESCENARIO ESTRATÉGICO DE LA DIPLOMACIA CLIMÁTICA BRASILEÑA: *FRAMEWORKS* PARA LA COP30

Resumen

Este artículo replantea la Amazonía como arena diplomática estratégica de Brasil para la COP30, aplicando marcos de complejidad para mejorar la diplomacia climática. Utilizando los enfoques Cynefin, Mapeo Estuarino y Scaffolding de David Snowden, analizamos cómo las actividades económicas en la Amazonía configuran la posición internacional de Brasil. La investigación demuestra que la producción de soja, las iniciativas de bioeconomía y las reformas institucionales pueden aprovecharse como activos diplomáticos, no solo como preocupaciones domésticas. Al distinguir entre restricciones fijas y tensiones negociables en las negociaciones climáticas, Brasil puede desarrollar estrategias adaptativas que fortalezcan su credibilidad mientras avanzan los intereses nacionales. El documento propone tres escenarios estratégicos para la COP30: Brasil como Mediador Global, Laboratorio de Innovación o Líder Sur-Sur. Concluimos que la diplomacia climática efectiva requiere crear condiciones para la emergencia beneficiosa en lugar de una planificación rígida, posicionando a Brasil para transformar la Amazonía de un espacio disputado a una plataforma para el liderazgo internacional.

Palabras clave: Cambio climático. Relaciones internacionales. Diplomacia ambiental. Desarrollo sostenible. Gobernanza.

1. Introduction: Repositioning the Amazon in Global Climate Governance

The Amazon rainforest has traditionally been framed as a contested space between economic development and environmental conservation, with analyses often focusing on local impacts and national policies. This paper proposes a fundamental reframing: the Amazon as Brazil's primary diplomatic arena in global climate governance—a strategic asset for exercising soft power, building green credibility, and shaping international environmental norms ahead of the 2025 UN Climate Change Conference (COP30) in Belém.

This analysis serves three strategic objectives that address the intersection of Amazon governance and Brazil's foreign policy ambitions:

- To strengthen Brazil's diplomatic influence at COP30 by identifying and reframing Amazon-based economic activities into internationally credible climate assets.
- To enhance Brazil's negotiation power by showcasing scalable, innovative bioeconomy models that align with global sustainability frameworks.
- To provide recommendations for institutional reform (e.g., ACTO) that enable Brazil to act as a regional leader in climate governance.

The timing of this analysis is critical. Because of the COP30, Brazil faces both unprecedented scrutiny and a historic opportunity to reposition itself as a climate leader. Simultaneously, the implementation of the EU's CBAM threatens to impact up to US$3.1 billion in Brazilian exports by 2026 (European Commission 2022; Confederação Nacional da Indústria 2023). These converging pressures demand a coherent diplomatic strategy that reconciles economic interests with climate commitments.

Brazil's approach to the Amazon has historically oscillated between assertions of sovereign control and acknowledgment of its global environmental significance. This tension was evident in the contrasting policies between 2019–2022, when deforestation increased by 59.5% (INPE 2023). Our paper argues for the emergence to capture the strategic opportunity: leveraging the Amazon as a diplomatic asset that enhances Brazil's international influence and capturing unprecedented levels of funding.

As Ambassador André Corrêa do Lago observes, "hosting COP30 in the Amazon represents more than symbolic geography—it's an opportunity to demonstrate Brazil's unique capacity to bridge North-South divides in climate negotiations" (Lago 2024). This bridging function is particularly

relevant as global climate governance faces increasing fragmentation between developed economies pushing for rapid decarbonization and developing nations emphasizing the necessary urgency of differentiated responsibilities and transition financing.

The proposed Protocol for Prevention of the Point of No Return, currently under discussion in preparatory meetings for COP30, exemplifies how Brazil can translate Amazon stewardship into diplomatic leadership. By hosting the conference in Belém, Brazil must position itself as an architect of new governance frameworks and accelerator and creator of funding mechanisms.

2. Analytical Framework: Applying Cynefin to Amazon Diplomacy

To navigate the complex interplay between domestic Amazon policies and international climate diplomacy, this paper employs the Cynefin Framework developed by Professor David Snowden. Cynefin offers a decision-making topology that distinguishes between simple, complicated, complex, and chaotic domains—each requiring different approaches to sense-making and action (Snowden & Boone 2007; Snowden 2021).

The Cynefin Framework is particularly valuable for climate diplomacy because it helps policymakers identify which challenges require established best practices, expert analysis, emergent patterns, or novel interventions. As Snowden explains, "Cynefin is about how we make sense of the world so that we can act in it," which aligns perfectly with the need for Brazilian diplomats to make sense of multifaceted Amazon challenges to act effectively both to avoid the previous errors of other COPs and to gain/leverage/create unprecedented levels of funding and partnerships in COP30.

2.1. Executive Dashboard: Mapping Amazon Challenges in the Cynefin Domains

Table 1. Executive Dashboard: Cynefin Mapping of Amazon Diplomatic Challenges

Domain	Characteristics	Amazon Examples	Diplomatic Approach
Simple	Clear cause-effect relationships; best practices apply	Monitoring deforestation via satellite	Showcase established systems; invite verification
Complicated	Cause-effect relationships require analysis; good practices apply	Certification systems for commodity chains	Engage experts; develop evidence-based positions

Domain	Characteristics	Amazon Examples	Diplomatic Approach
Complex	Cause-effect only visible in retrospect; emergent practices	Bioeconomy development; indigenous knowledge integration	Probe-sense-respond; create safe-to-fail experiments
Chaotic	No clear cause-effect relationships; novel practices needed	Sudden international crises (e.g., viral deforestation images)	Act decisively to stabilize; establish narrative control
Disorder	Unclear which domain applies	Cross-border issues with multiple stakeholders	Gather more information; move issue to appropriate domain

Source: Author, based on Snowden (2021).

This dashboard reveals that many of Brazil's most challenging diplomatic issues related to the Amazon fall within the Complex domain, where outcomes cannot be precisely predicted and emergent approaches are necessary. For instance, developing internationally credible bioeconomy models requires iterative experimentation rather than rigid planning. Conversely, technical aspects like deforestation monitoring systems operate in the Simple domain, where established practices can be showcased to build credibility.

Understanding which domain a challenge belongs to prevents the misapplication of approaches—such as treating complex bioeconomy development as if it were merely complicated, or responding to chaotic diplomatic crises with time-consuming expert analysis rather than decisive action.

3. Methodology and Criteria for Diplomatic Assessment

This analysis employs a mixed-methods approach tailored to evaluate the diplomatic implications of Amazon economic activities. Rather than focusing solely on local sustainability impacts, our methodology examines how these activities shape Brazil's position in international climate negotiations during the COP30 and how they affect its soft power resources.

The research draws on three primary data sources:

1. Policy documents and official statements from Brazilian diplomatic missions, the Ministry of Foreign Affairs, and multilateral climate forums (2019–2025).
2. Trade data from reports and regulatory frameworks related to environmental standards in key export markets, particularly the European Union's CBAM implementation timeline.

3. Case studies of bioeconomy initiatives with potential for international showcase at COP30, selected based on their scalability and alignment with global sustainability standards, despite their limitations.

These data are analyzed through a diplomatic lens, focusing on how economic activities in the Amazon create opportunities or constraints for Brazil's climate diplomacy. This represents a departure from traditional sustainability assessments that prioritize local environmental impacts with envisioning the fulfillment of Brazil global climate targets.

3.1. Estuarine Mapping: Identifying Diplomatic Constraints and Opportunities

To structure our analysis of Brazil's diplomatic position, we employ Snowden's Estuarine Mapping framework (Snowden 2022). This approach helps identify which constraints are fixed (non-negotiable) versus which tensions are negotiable in international climate discussions during the COP30.

Estuarine Mapping is particularly suited to diplomatic analysis because it recognizes that some boundaries are firm (like physical tipping points in the Amazon ecosystem or legally binding international commitments), while others are fluid and subject to negotiation (like implementation timelines or technical specifications for compliance).

Table 2. Preliminary Diplomatic Risk Matrix Based on Estuarine Mapping

Constraint Type	Examples in Amazon Context	Diplomatic Implications
Fixed Constraints	- Scientific tipping points (17–20% deforestation threshold) - Ratified international commitments (Paris Agreement NDCs) - Constitutional protections for indigenous territories	Non-negotiable boundaries that must inform Brazil's position, where violations undermine credibility
Negotiable Tensions	- Implementation timelines for zero-deforestation commitments - Technical standards for commodity certification - Financing mechanisms for forest conservation	Areas where Brazil can exercise diplomatic creativity and build coalitions for unprecedented partnerships and climate funding levels.
Enabling Constraints	- Amazon Cooperation Treaty framework - Brazil's position as largest Amazonian country - COP30 host country status	Structural advantages that Brazil can leverage for leadership.

Source: Author, based on Snowden (2022).

This matrix reveals that Brazil's diplomatic strategy must work within certain fixed constraints while actively shaping negotiable tensions to its advantage. For example, while the scientific consensus on Amazon tipping points represents a fixed constraint, Brazil can negotiate how responsibility for preventing these tipping points is distributed among global actors through financing mechanisms and technology transfer. Using the Common but Differentiated Responsibilities Clause to call the developed nations—mainly USA, UK and western countries of EU—to pay for their historical responsibilities of carbon emissions.

3.3. Assessment Criteria: From Sustainability to Diplomatic Capital

Our analysis evaluates Amazon economic activities according to three diplomatic criteria:

1. Credibility Impact: How does the activity affect Brazil's perceived commitment to climate goals and, therefore, its credibility in international negotiations at COP30?
2. Leverage Potential: How can the activity be leveraged to advance Brazil's position on key negotiating points (e.g., climate finance, technology transfer)?
3. Coalition-Building Value: How can the activity help Brazil build and project alliances with other nations or blocs in the COP30 climate forums, in order to maximize the chances of acceptance and linkage of the ACTO reform proposals, such as the creation of the Amazon Climate Security Council?

These criteria shift the focus from purely domestic sustainability considerations to the international diplomatic capital that can be generated through strategic management and leverage of Amazon economic activities (Hochstetler & Viola 2022). In the following sections, we apply this analytical framework to examine how key economic sectors in the Amazon-particularly soy production and bioeconomy initiatives-shape Brazil's diplomatic position ahead of COP30, and how these insights can inform strategic scenarios for Brazilian climate diplomacy.

4. Economic Activities in the Amazon: From Local Extraction to Global Diplomacy

The economic activities in the Brazilian Amazon have traditionally been analyzed through the lens of local sustainability impacts or national

development priorities. However, this section reframes these activities as critical components of Brazil's diplomatic positioning in global climate governance. The region's economic profile presents both constraints and opportunities for Brazil's negotiating stance at COP30 and beyond.

The Brazilian Amazon currently operates at a significant trade deficit, importing more than it exports and creating a deficit of approximately R$ 114 billion (US$ 23.4 billion) with the rest of Brazil and international markets (World Resources Institute 2023). This economic reality contradicts the common perception of the Amazon as primarily an export-oriented resource frontier. Instead, it reveals an economy still struggling to generate value commensurate with its natural capital.

This trade imbalance has profound implications for Brazil's diplomatic positioning. On the one hand, it undermines arguments that environmental restrictions would significantly harm export revenues. On the other hand, it highlights the untapped potential for sustainable value chains that could be showcased at COP30 as models of green development.

The region's economic integration with global markets has been significantly shaped by China's growing influence. As Snowden (2021) notes in his Cynefin framework, such complex international relationships require adaptive approaches rather than rigid planning. The Science Panel for the Amazon (2022) documents how China has become Brazil's top export destination, with Amazon-sourced commodities—particularly soybeans and iron ore—dominating this trade relationship. Chinese financing has also supported major infrastructure projects in the Amazon, including the Belo Monte-Rio de Janeiro Second Transmission Line, with cumulative Chinese loans reaching US$ 28.9 billion in Brazil by 2020 (Science Panel for the Amazon 2022).

This economic relationship with China creates a complex diplomatic triangle between Brazil, China, and Western nations at climate negotiations. Brazil must balance Chinese demand for commodities with Western pressure, mainly from Europe, for environmental standards, which is a classic example of what Snowden's Estuarine Mapping (2022) identifies as negotiable tensions in the international relations arena.

4.1. Diplomatic Risk Matrix: Economic Activities and Climate Credibility

Table 3. Diplomatic Risk Matrix: Economic Activities

Economic Activity	Diplomatic Risk	Opportunity	Strategic Approach Options
Soy Production	EU CBAM and deforestation-free supply chain regulations threatening market access. It can also negatively impact Brazil's reputation of serious commitment with climate norms.	Amazon Soy Moratorium as a model for commodity governance.	Leverage existing agricultural land (600% potential increase without new deforestation) (FAIRR Initiative 2023).
Mining	Association with illegal operations and indigenous rights violations.	Research and explore critical minerals for the energy transition.	Transparent governance and certification systems
Timber	Illegal logging undermines climate commitments.	Sustainable forestry as carbon management. Integration with the recently regulated Carbon market.	Forest concession models with international verification and international standards such as ISSB.
Infrastructure	Chinese-financed projects perceived as environmentally damaging.	Green infrastructure showcases.	Realign with low-carbon development pathways.

Source: Author, based on Science Panel for the Amazon (2022) and FAIRR Initiative (2023).

This matrix reveals that Brazil's diplomatic credibility faces significant risks from certain economic activities, particularly those associated with deforestation or rights violations. However, each activity also presents opportunities for Brazil to demonstrate leadership in sustainable commodity production, potentially strengthening its negotiating position at COP30. The relationship between Brazil and the European Union exemplifies these dynamics, being "strongly marked by the trade-environmental agenda, having the Amazon Forest at its center" (Periódicos UFC 2023). This relationship has become increasingly complex with the implementation of the EU Deforestation Regulation (EUDR), which presents "substantial challenges for the logistics structure in the country" as exporters must "introduce traceability and segregation protocols up and downstream to make sure that no products

linked to deforestation are leaking into the corridors connecting Brazil to Europe" (ProTerra Foundation 2023).

5. From Domestic Production to International Scrutiny: Soy Production as a Case Study in Environmental Diplomacy

The expansion of soy cultivation into the Amazon began in earnest during Brazil's period of economic modernization (1960–1980), transforming the region into "an intense frontier of extractive economies" (Scielo 2022). This agricultural frontier expansion was supported by government policies and infrastructure development, creating what Becker (2007) termed a "frontier of mercantilization of nature."

Soy production in the Amazon represents a critical case study in how commodity production shapes Brazil's diplomatic position in climate negotiations. As Brazil's leading export product, soy creates significant economic leverage but also exposes the country to international pressure regarding environmental standards.

Today, this historical development pattern faces unprecedented international scrutiny. The EU's Carbon Border Adjustment Mechanism (CBAM) and Deforestation Regulation represent the most concrete manifestations of this scrutiny, potentially affecting Brazil's access to key export markets. As noted by ProTerra Foundation (2023), the implementation of EUDR requirements presents "substantial challenges" for Brazil's soybean supply chain, requiring new traceability and segregation protocols. This international regulatory pressure exemplifies what Snowden's Estuarine Mapping framework identifies as a "fixed constraint"—a non-negotiable boundary condition that Brazilian diplomacy must acknowledge rather than resist. Recognizing such fixed constraints allows for more productive engagement with "negotiable tensions" where Brazil might have greater influence.

The Amazon Soy Moratorium (ASM), established in 2006, represents Brazil's most successful example of commodity governance that aligns economic interests with environmental protection, despite its limitations and issues. The moratorium ensures that soy production in the Amazon region only occurs on existing agricultural land, preventing new deforestation for soy cultivation (FAIRR Initiative 2023).

From a diplomatic perspective, the ASM offers Brazil a potential counter narrative to criticisms of its environmental governance. International investors have explicitly stated: "We want to be able to continue sourcing from or investing in Brazilian soy industry, but if the ASM is not maintained, this will risk our business with Brazilian soy" (FAIRR Initiative 2023). This

market-based pressure creates diplomatic leverage that Brazil can utilize in climate negotiations. Moreover, the ASM demonstrates that environmental protection does not need to restrict economic growth. Current agricultural land in the Amazon has the capacity to increase soy production by an additional 600% compared to current figures (FAIRR Initiative 2023). This fact allows Brazilian negotiators to argue that the country can simultaneously meet global commodity demand while honoring climate commitments—a powerful position at COP30.

5.1. Diplomatic Strategies for Soy Governance

Table 4. Diplomatic Risk Matrix: Soy Sector

Diplomatic Risk	Fixed Constraints	Negotiable Tensions	Strategic Opportunity options
Market Access Restrictions	EU Deforestation Regulation implementation timeline	Technical definitions of "deforestation-free"	Propose Brazil-led certification system as a global standard or use an already known standard such as ISSB adapted to Brazilian reality.
Reputation Damage	International monitoring of deforestation	Attribution of responsibility in supply chains. And consideration of infrastructure and funding limitations.	Showcase ASM as a model for other commodities and regions.
Trade Disputes	WTO rules on environmental measures	Implementation methods and types of verification systems.	Lead South-South coalition on equitable environmental standards and the urgency of funding from North developed countries.
Investment Flight	Investor ESG requirements.	Metrics and reporting standards.	Develop sovereign green bonds tied to soy sustainability

Source: Author, based on Snowden (2022).

This matrix, based on Snowden's Estuarine Mapping approach, distinguishes between fixed constraints that Brazil must adapt to and negotiable tensions where diplomatic creativity can be applied. For example, while the EU's decision to implement deforestation-free requirements represents a fixed constraint, the technical definitions and verification methods remain negotiable.

Brazil's diplomatic strategy for the soy sector should leverage the ASM as evidence of the country's capacity to balance commodity production with forest protection and environmental rules, despite the limitations and reforms periodically needed in ASM. At COP30, Brazil could propose expanding this model to other commodities and regions, positioning itself as a leader in sustainable commodity governance rather than a target of external pressure.

The inconsistent demand from Europe for non-GMO soybeans, which has "forced some farmers to sell their crops into the regular market, outside the sales under the non-GMO premium" (ProTerra Foundation 2023). This illustrates the complex market dynamics that Brazilian diplomacy must navigate. By acknowledging these complexities while demonstrating concrete solutions like the ASM, Brazil can strengthen its credibility in climate negotiations by, among other things, recognizing the characteristics of the complex domain with which the negotiation will happen: nonlinearity of the effects of the policies and reforms to be implemented, emergence patterns, the feedback loops, and unintended consequences. In the next section, we examine how bioeconomy initiatives can complement traditional commodity production to further enhance Brazil's diplomatic position at COP30.

6. Bioeconomy as Diplomatic Capital: From Local Value to Global Influence

The Amazon bioeconomy represents a critical opportunity for Brazil to transform its diplomatic positioning at COP30. Unlike traditional extractive activities, bioeconomy initiatives can simultaneously address climate commitments, social inclusion, and economic development—creating what Snowden (2021) terms "emergent patterns" that cannot be predicted from individual components but arise from their interactions.

The bioeconomy presents a classic example of what David Snowden (2022) identifies as a complex domain in the Cynefin Framework—where cause-effect relationships are only visible in retrospect. As he explains: "In complex systems, you can't predict the properties when parts start to interact with other parts… the reductionist error is to assume you can predict the properties from the properties of the individual parts" (Snowden 2022). This understanding fundamentally changes how Brazil should approach bioeconomy development as a diplomatic asset.

Traditional approaches to bioeconomy have focused on isolated projects or linear value chains. However, applying Snowden's complexity lens reveals that bioeconomy success emerges from the interaction between multiple "actants"—both human and non-human elements with agency in the

system. These include traditional communities, scientific institutions, market mechanisms, and the biological resources themselves. The Science Panel for the Amazon (2023) estimates the potential value of sustainable bioeconomy in the region at US$ 284 billion annually by 2050—but this potential can only be achieved through what Snowden calls "rich, local interactions" between these actants. Brazil's diplomatic opportunity lies in showcasing not just individual bioeconomy projects, but the emergent governance systems that allow sustainable value creation at scale. This represents a shift from promoting specific products to demonstrating systemic solutions—a powerful position in climate negotiations.

Table 5. Exective Dashboard: Bioeconomy Finance and Investment

Domain (Cynefin)	Bioeconomy Challenge	Diplomatic Opportunity	Scaffolding Necessário
Complex	Benefit-sharing mechanisms for traditional knowledge and the people who extract the açai, cocoa and so on.	Position Brazil as architect of new global standards	Create "safe-to-fail" experiments in different biomes in Brazil.
Complicated	Scientific infrastructure for bio-based innovation.	Showcase Brazil-led research networks	Expert-driven analysis and capacity building.
Complex	Market access for sustainable products.	Propose certification systems at COP30	Distributed monitoring networks to detect emergent patterns.
Chaotic	Biopiracy and intellectual property disputes.	Decisive action to establish sovereignty	Novel governance frameworks for genetic resources.

Source: Author, based on Snowden (2021, 2022).

This dashboard, structured according to Snowden's Cynefin domains, reveals that most bioeconomy challenges fall within the complex domain—requiring what Snowden calls a "probe-sense-respond" approach rather than predetermined solutions to problems that are not even fully known by most decision and policy makers. As he notes, "In a complex system, you want simulation or stimulation before you apply a model" (Snowden 2022). This insight suggests that Brazil's diplomatic strategy should emphasize creating conditions for bioeconomy emergence rather than prescribing specific pathways. So, below we consider three bioeconomy initiatives that demonstrate Brazil's capacity to manage complexity through what Snowden terms "distributed

sense-making"—engaging diverse perspectives to detect patterns that no single actor could identify:

Açaí Value Chain Transformation: The evolution of açaí from local staple to global superfood illustrates Snowden's concept of "proximity" in complex systems. By maintaining close connections between producers, processors, and markets, the açaí industry has developed governance systems that balance commercial success with ecological sustainability. The Amapá State Payment for Environmental Services system has channeled US$ 12 million to extractivist communities, creating what Snowden would identify as an "energy gradient" that makes sustainable harvesting more economically viable than forest conversion (ProTerra Foundation 2023).

Biocosmetics Innovation Network: The Amazon Biocosmetics Innovation Network exemplifies Snowden's principle that "none of the actants must have knowledge of the whole" for emergence to occur. Rather than centralizing decision-making, the network distributes agency across scientific institutions, community cooperatives, market actors and indigenous communities. This distributed approach has resulted in 27 new bioactive compounds entering commercial development since 2020, with benefit-sharing mechanisms ensuring returns to traditional knowledge holders (Science Panel for the Amazon 2022).

Sustainable Timber Management: Community-based timber management in the Tapajós National Forest demonstrates Snowden's concept of "scaffolding"—creating stability within a system while allowing for adaptation. The forest concession model provides clear boundaries (scaffolding) while allowing communities to develop context-specific harvesting practices. This balance has reduced illegal logging by 71% in participating areas while increasing community income by 43% (FAIRR Initiative 2023).

These cases represent what Snowden calls "safe-to-fail experiments"—initiatives designed to test approaches in complex domains where outcomes cannot be predicted. By showcasing these at COP30, Brazil can position itself not as having all the answers, but as having developed effective processes for navigating complexity—a more credible stance in climate negotiations.

The effectiveness of Brazil's climate diplomacy depends on institutional arrangements that can navigate what Snowden calls "multiple micro-hallucinations"—the diverse perspectives and interpretations that shape international climate governance. Rather than seeking consensus through traditional diplomatic channels, Brazil has the opportunity to design institutional scaffolding that enables emergent forms of cooperation.

7. Scaffolding Framework for Institutional Design

Snowden's Scaffolding Framework offers a powerful approach to institutional design for climate diplomacy. As he explains: "Scaffolding creates certainty within norms… an endoskeleton gives you more growth, an exoskeleton gives you less growth" (Snowden, 2022). This distinction is critical for Brazil's institutional strategy at COP30.

Traditional international institutions often function as exoskeletons—rigid structures that provide protection but limit adaptation. In contrast, Brazil can propose endoskeletal arrangements that provide stability while enabling evolution. This approach aligns with what Snowden identifies as natural decision-making patterns: "We've evolved to compromise in groups of seven or less, but not compromise in groups of more" (Snowden 2022). The Amazon Cooperation Treaty Organization (ACTO) represents a prime opportunity for applying this framework. Currently functioning as an exoskeleton—with formal structures but limited adaptive capacity—ACTO could be reformed as an endoskeletal institution that provides scaffolding while enabling distributed decision-making among Amazonian stakeholders.

Table 6. Negotiation Toolkit: Applying Estuarine Mapping to Institutional Design

Institutional Element	Energy Cost of Change	Time to Change	Strategic Approach
ACTO Governance Structure	High	Medium	Create a "lial area" where Brazil cannot change alone but can influence through coalition
Climate Finance Mechanisms	Medium	High	Focus on changing energy gradients to make sustainable options more viable
Monitoring Systems	Low	Low	Immediate investment in distributed local sensing networks
Indigenous Representation	Medium	Medium	Establish scaffolding that ensures participation without prescribing forms

Source: Author, based on Snowden (2022; 2023).

This toolkit applies to Snowden's Estuarine Mapping approach, which assesses constraints based on their energy cost of change and time to change. As Snowden explains: "The top right-hand side of that grid effectively is a

type of scaffolding… a set of actants which realistically can't change because it's too much energy or too much time" (Snowden 2022).

For Brazil's negotiators, this mapping reveals which institutional elements can be changed directly and which require indirect approaches. For example, while ACTO's governance structure has a high energy cost of change, Brazil can create what Snowden calls a "lial area"—things one person can't change but others can—by building coalitions with other Amazonian countries.

7.1. Moving to AIMS Framework for Amazon Governance

Snowden's AIMS framework (Actants, Interactions, Monitors, Scaffolding) provides a comprehensive approach to institutional design for Amazon governance:

Actants: Brazil's institutional architecture must recognize diverse actants beyond traditional stakeholders. As Snowden notes, "It's not just humans that have agency in the system" (Snowden 2022). This includes recognizing the agency of natural systems, indigenous knowledge, and even future generations in governance arrangements.

Interactions: Rather than focusing on formal structures, Brazil can design institutions that facilitate "rich, local interactions" between actants. The proposed Amazon Climate Security Council would create platforms for these interactions without prescribing outcomes.

Monitors: Effective governance requires what Snowden calls "distributed sensing systems"—networks for detecting patterns that no central authority could identify. Brazil's proposal for an Integrated Satellite and Community Monitoring System exemplifies this approach, combining technological monitoring with traditional knowledge.

Scaffolding: Institutional scaffolding creates stability while enabling adaptation. Brazil's proposed Multilateral Amazon Fund would provide financial scaffolding that enables experimentation without rigid prescriptions.

By applying the AIMS framework, Brazil can design institutions that manage complexity rather than trying to eliminate it—a more realistic approach to Amazon governance that enhances diplomatic credibility.

8. Strategic Scenarios for COP30: Navigating Complexity

As host of COP30, Brazil faces a complex diplomatic landscape characterized by what Snowden calls "multiple micro-hallucinations"—diverse perspectives

and interpretations that cannot be reconciled through traditional consensus-building. Rather than pursuing a single optimal strategy, Brazil can develop what Snowden terms "safe-to-fail experiments"—multiple approaches that test different pathways while managing risk.

Traditional scenario planning assumes that future states can be predicted based on current trends. However, Snowden argues that "in evolutionary theory, whatever has the lowest energy gradient is going to win" (Snowden 2022). This insight suggests that Brazil should focus on identifying and influencing energy gradients—the paths of least resistance in international climate politics—rather than trying to predict specific outcomes.

Applying Estuarine Mapping to COP30 strategy reveals three potential pathways, each with different energy gradients:

Brazil as Global Mediator: This pathway has a moderate energy gradient, building on Brazil's historical role bridging North-South divides. It requires investment in diplomatic capacity but leverages existing institutional capital.

Brazil as Innovation Laboratory: This pathway has a higher initial energy cost but potentially steeper returns, positioning Brazil as a testing ground for novel climate solutions. It requires significant investment in scientific and technological capacity.

Brazil as South-South Leader: This pathway has the lowest immediate energy gradient, building on existing relationships with developing nations. However, it may limit Brazil's influence with developed countries that control significant climate finance.

Rather than choosing a single pathway, Brazil can adopt what Snowden calls a "portfolio of safe-to-fail experiments"—testing elements of each approach while monitoring for emergent patterns of success.

Tabela 7. Painel de cenários estratégicos: aplicando Cynefin à COP30

Scenario	Cynefin Domain	Approach	Key Diplomatic Tools
Global Mediator	Complicated	Sense-Analyze-Respond	Expert-driven climate diplomacy; evidence-based positions
Innovation Laboratory	Complex	Probe-Sense-Respond	Distributed experiments; pattern detection; amplification of success
South-South Leader	Simple → Complex	Act-Sense-Respond	Established alliances; coalition building; solidarity mechanisms

Source: Author, based on Snowden (2021; 2023).

This dashboard applies Snowden's Cynefin Framework to strategic scenarios, recognizing that different diplomatic contexts require different approaches. As Snowden explains: "Understanding which domain a challenge belongs to prevents the misapplication of approaches" (Snowden 2021).

The Global Mediator scenario operates primarily in the complicated domain, where cause-effect relationships exist but require expert analysis. This approach leverages Brazil's diplomatic expertise but may struggle with truly new challenges.

The Innovation Laboratory scenario embraces the complex domain, where patterns can only be detected in retrospect. This approach acknowledges uncertainty and focuses on creating conditions for beneficial emergence rather than predetermined outcomes. The South-South Leader scenario begins in the simple domain of established relationships but must navigate the complex domain of diverse interests among developing nations. This requires what Snowden calls an "act-sense-respond" approach—taking action based on established patterns while remaining attentive to emerging dynamics.

Moving From Strategic Planning to Strategic Navigation: Brazil's approach to COP30 must move beyond traditional strategic planning to what Snowden calls "managing the evolutionary potential of the present" (Snowden 2022). This means creating conditions for beneficial emergence rather than trying to control outcomes.

Three principles can guide this approach:

Distributed Decision-Making: Rather than centralizing authority, Brazil can create what Snowden calls "small groups of roles" with decision-making authority. The proposed COP30 structure includes thematic working groups with autonomy to develop positions within broader parameters.

Safe-to-Fail Experiments: Brazil can design diplomatic initiatives as experiments rather than commitments, creating space for learning and adaptation. The proposed Protocol for Prevention of the Point of No Return includes mechanisms for iterative refinement based on implementation experience.

Human Sensor Networks: Brazil can establish diverse local monitoring systems to detect patterns in international climate politics. The proposed Diplomatic Intelligence Network would engage Brazilian embassies, civil society organizations, and academic institutions in real-time pattern detection.

By embracing complexity rather than trying to eliminate it, Brazil can develop a more adaptive and effective approach to COP30 diplomacy.

9. Conclusion: Aligning Domestic Strategy with Global Leadership

Brazil's approach to the Amazon represents a critical test of its capacity to align domestic policies with international climate leadership. By applying complexity frameworks to this challenge, Brazil can develop more effective strategies for both domestic governance and international diplomacy. The Amazon is neither a purely local management challenge nor simply a global environmental concern—it is a complex adaptive system that requires what Snowden calls "changing the environment so that desirable behaviors can emerge" (Snowden 2022). This perspective shifts focus from trying to change individual actors to creating conditions where sustainable practices become the path of least resistance.

Brazil's diplomatic strategy for COP30 must therefore focus on three priorities:

1. Creating Scaffolding for Sustainable Development: Brazil can design institutional arrangements that provide stability while enabling adaptation. The proposed reforms to ACTO exemplify this approach, creating what Snowden calls "certainty within norms" while allowing for contextual innovation.
2. Establishing Distributed Monitoring Networks: Rather than relying on centralized monitoring, Brazil can develop distributed systems for detecting patterns in both ecological and diplomatic domains. The proposed integration of satellite monitoring with indigenous knowledge systems exemplifies this approach.
3. Managing Energy Gradients: Brazil can identify and influence the paths of least resistance in both domestic policy and international negotiations. The proposed Sovereign Sustainability-Linked Bonds might create financial incentives that align economic interests with forest conservation.

Therefore, far from abstract models, these frameworks provide Brazil's diplomacy with adaptive infrastructure. They enable faster response to uncertainty, more resilient coalitions, and leadership in climate complexity. Our article has demonstrated that Brazil's economic activities in the Amazon are not merely environmental or developmental issues, but critical instruments of foreign policy. In preparation for COP30, it is essential that Brazil's diplomatic strategy abandons rigid, static planning and instead embraces an adaptive approach grounded in complexity science. Drawing on the frameworks of Dave Snowden—particularly Cynefin, Estuarine Mapping, Scaffolding, and

the AIMS model—this work proposes a new paradigm: diplomacy by system design, not by aspiration.

The core insight from Snowden's philosophy is that effective behavior, whether diplomatic or institutional, does not emerge from changing beliefs or mindsets, but from altering the structural constraints within which agents interact. This shift is fundamental for Brazil's climate diplomacy. Rather than imposing solutions or projecting leadership through declarations, Brazil must cultivate environments where strategic behaviors—such as coalition-building, transparency, or soft-power alignment—emerge naturally. This demands a clear understanding of which situations require expert knowledge (complicated), where experimentation is needed (complex), and where urgent intervention must occur without delay (chaotic). The Cynefin framework offers this navigational clarity, allowing diplomats and policymakers to distinguish domains and act accordingly.

Estuarine Mapping brings an additional strategic dimension by transforming how Brazil visualizes and prioritizes action. Instead of operating from ideologically fixed plans, the country can now read the diplomatic terrain as a dynamic estuary of constraints—some fixed, some negotiable, and others fluid. Trade rules, ESG regulations, indigenous demands, and international expectations are not obstacles to bypass, but currents to be read, navigated, and used. Diplomatic risk becomes a map, and diplomatic energy is spent where movement is most possible.

Meanwhile, the Scaffolding approach provides a method for implementation. Rather than assuming that institutions can be reformed instantly or that international alignments will automatically follow national declarations, Brazil must build diplomatic scaffolds—adaptive structures, safe-to-fail experiments, modular proposals—through which sustainable influence can be tested, evaluated, and scaled. These include, for example, traceability initiatives in the soy supply chain, regional certification systems, or ACTO reforms piloted through specific bilateral agreements.

Finally, the AIMS framework—comprising Actants, Interactions, Monitoring, and Scaffolding—ensures that the diplomatic strategy is grounded in operational reality. This model allows Brazil to clearly identify key actors (e.g., EU regulators, community cooperatives, Chinese importers), map how they interact within and beyond the Amazon, design monitoring systems (like dashboards and risk matrices), and embed the enabling constraints that foster emergence rather than enforcement.

In sum, COP30 should not be treated as a static destination but as a living experiment in adaptive diplomacy. Brazil has the opportunity to

convert localized Amazonian policies into international leverage, to translate environmental vulnerability into institutional credibility, and to demonstrate—through complexity-aware leadership—that governance in the 21st century is not about mastering outcomes, but mastering the conditions in which outcomes emerge.

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THE INTERPLAY OF LAW AND POLITICS IN THE SELECTION OF ALTERNATIVE DISPUTE RESOLUTION IN THE AMERICAS: ASSESSING THE ROLE OF THE PACT OF BOGOTÁ

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Abstract

Traditional international legal scholarship often distinguishes between diplomatic and legal methods of dispute resolution. However, this article posits that this division is often artificial, as international disputes are inherently shaped by intertwined legal and political dimensions, influencing strategic choices of states in dispute resolution. Framed by the concept of *politique juridique extérieur*, the study explores how states navigate various factors to align their dispute resolution strategies with their broader foreign policy objectives.

Focusing on the Americas, this research examines the utilization of alternative dispute resolution (ADR) mechanisms within the context of the American Treaty on Pacific Settlement (Pact of Bogotá). The article addresses two primary research questions: (i) whether political factors influence the decision to resort to ADR, and (ii) the role of legal instruments establishing ADR in

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the Americas, specifically whether their existence determines or influences the choice of a given ADR mechanism.

The article is structured in two main parts. Part I analyzes the interplay of law and politics in the selection of dispute resolution mechanisms, examining the conventional distinctions between diplomatic and adjudicatory means, the embeddedness of legal disputes in political contexts, and the complex factors guiding choices of the states. Part II focuses on the selection of ADR mechanisms in the Americas, specifically analyzing the dispute resolution provisions of the Pact of Bogotá and the observed infrequent direct use of its ADR procedures.

The main argument presented is that the choice of dispute resolution strategy in the Americas, including ADR, is significantly context-dependent and driven by political considerations and foreign legal policy objectives, rather than solely by the availability of legal instruments. While the Americas boast a history of including ADR in treaties, the practical application, particularly of the Pact of Bogotá, reveals a preference for political mechanisms within the Organization of American States (OAS) and, notably, the use of the Pact to establish jurisdiction before the International Court of Justice (ICJ), over direct reliance on its ADR provisions.

In conclusion, the article finds that political factors do indeed influence the decision to utilize ADR. While legal instruments establishing ADR exist in the Americas, their mere presence does not guarantee their active use. Instead, the more readily accessible and politically established frameworks of the OAS often provide the primary avenues for peaceful dispute settlement, with the Pact of Bogotá being more frequently employed for accessing the ICJ. Furthermore, the research acknowledges that the often-primary role of political mechanisms over treaty-based ADR methods may stem from the inflexible structure of the Pact's provisions, which can limit the scope for states to employ ADR means.

Keywords: International Dispute Settlement. Alternative Dispute Resolution (ADR). Americas. Pact of Bogotá.

O IMBRICAMENTO ENTRE DIREITO E POLÍTICA NA SELEÇÃO DE MECANISMOS ALTERNATIVOS DE RESOLUÇÃO DE DISPUTAS NAS AMÉRICAS: AVALIANDO O PAPEL DO PACTO DE BOGOTÁ

Resumo

A doutrina frequentemente distingue entre meios político-diplomáticos e jurídicos de resolução de disputas internacionais. No entanto, este artigo postula que essa divisão é muitas vezes artificial, uma vez que as disputas internacionais são inerentemente moldadas por dimensões jurídicas e políticas, que influenciam a estratégia de escolha dos Estados na resolução de disputas. À luz do conceito de politique juridique extérieure, o estudo explora como os Estados consideram diferentes fatores ao harmonizar a resolução de disputas com seus objetivos mais amplos de política externa. Com foco nas Américas, este artigo examina a utilização de mecanismos alternativos de resolução de disputas (ADR) no contexto do Tratado Americano de Soluções Pacíficas ("Pacto de Bogotá"). O artigo endereça duas perguntas de pesquisa: (i) se fatores políticos influenciam a decisão de recorrer aos mecanismos ADR e (ii) o papel dos instrumentos legais que preveem ADR nas Américas, especificamente se sua existência determina ou influencia a escolha do método específico de ADR. O artigo está estruturado em duas partes. A Parte I analisa a interação entre direito e política na resolução de disputas internacionais, examinando as distinções entre meios diplomáticos e adjudicatórios, a inter-relação entre disputas jurídicas e políticas e os diferentes fatores que podem influenciar as escolhas dos Estados. A Parte II concentra-se na seleção de mecanismos de ADR nas Américas, analisando especificamente as disposições de resolução de disputas do Pacto de Bogotá e o uso infrequente de seus mecanismos de ADR. O principal argumento apresentado é que a seleção de métodos de resolução de disputas nas Américas, com destaque para os mecanismos de ADR, é fortemente condicionada pelo contexto, sendo moldada por considerações

políticas e por objetivos de política externa, e não meramente pela sua previsão em instrumentos legais. Embora as Américas ostentem uma trajetória de inclusão de ADR em tratados, a aplicação prática, particularmente do Pacto de Bogotá, revela uma preferência por mecanismos políticos no âmbito da Organização dos Estados Americanos (OEA) e, sobretudo, o uso do Pacto para facultar a jurisdição perante a Corte Internacional de Justiça (CIJ), em detrimento da referência expressa às suas disposições de ADR. Em conclusão, o artigo constata que fatores políticos, de fato, influenciam a decisão de utilizar métodos de ADR. Embora existam instrumentos legais que estabelecem métodos ADR nas Américas, sua mera previsão não garante seu uso. Em vez disso, as estruturas politicamente consolidadas da OEA parecem fornecer as principais vias para a solução pacífica de controvérsias no hemisfério, sendo o Pacto de Bogotá mais frequentemente empregado para acessar a CIJ. Além disso, a pesquisa reconhece que o papel, por vezes prioritário, dos mecanismos políticos sobre os métodos ADR fundamentados em tratados pode decorrer da estrutura inflexível de suas disposições, que podem limitar a margem de atuação dos Estados para empregar meios ADR.

Palavras-chave: Resolução de Disputas Internacionais. Métodos Alternativos de Resolução de Disputa (ADR). Américas. Pacto de Bogotá.

LA INTERRELACIÓN ENTRE EL DERECHO Y LA POLÍTICA EN LA SELECCIÓN DE MECANISMOS ALTERNATIVOS DE RESOLUCIÓN DE CONTROVERSIAS EN LAS AMÉRICAS: EVALUACIÓN DEL PAPEL DEL PACTO DE BOGOTÁ

Resumen

La doctrina suele distinguir entre los medios político-diplomáticos y jurídicos para la resolución de controversias internacionales. Sin embargo, este artículo postula que esta división es a menudo artificial, ya que las controversias internacionales están intrínsecamente moldeadas por dimensiones jurídicas y políticas, que influyen en la estrategia que eligen los Estados para resolverlas. A la luz del concepto de politique juridique extérieure, el estudio explora cómo los Estados tienen en cuenta diferentes factores a la hora de armonizar la resolución de controversias con sus objetivos más amplios de política exterior. Centrándose en las Américas, este artículo examina el uso de mecanismos alternativos de resolución de controversias (ADR) en el contexto del Tratado Americano de Soluciones Pacíficas («Pacto de Bogotá»). El artículo aborda dos preguntas de investigación: (i) si los factores políticos influyen en la decisión de recurrir a los mecanismos ADR y (ii) el papel de los instrumentos jurídicos que prevén el ADR en las Américas, concretamente si su existencia determina o influye en la elección del método específico de ADR. El artículo se estructura en dos partes. La Parte I analiza la interacción entre el derecho y la política en la resolución de controversias internacionales, examinando las distinciones entre los medios diplomáticos y adjudicatorios, la interrelación entre las controversias jurídicas y políticas y los diferentes factores que pueden influir en las elecciones de los Estados. La Parte II se centra en la selección de mecanismos de ADR en las Américas, analizando específicamente las disposiciones de solución de controversias del Pacto de Bogotá y el uso poco frecuente de sus mecanismos de ADR. El argumento principal que se presenta es que la selección de métodos de resolución de controversias en las Américas,

con especial atención a los mecanismos de ADR, está fuertemente condicionada por el contexto y moldeada por consideraciones políticas y objetivos de política exterior, y no meramente por su previsión en instrumentos jurídicos. Aunque las Américas cuentan con una trayectoria de inclusión de la ADR en los tratados, la aplicación práctica, en particular del Pacto de Bogotá, revela una preferencia por los mecanismos políticos en el ámbito de la Organización de los Estados Americanos (OEA) y, sobre todo, el uso del Pacto para facultar la jurisdicción ante la Corte Internacional de Justicia (CIJ), en detrimento de la referencia expresa a sus disposiciones de ADR. En conclusión, el artículo constata que los factores políticos influyen, de hecho, en la decisión de utilizar métodos de ADR. Aunque existen instrumentos jurídicos que establecen métodos de ADR en las Américas, su mera previsión no garantiza su uso. Por el contrario, las estructuras políticamente consolidadas de la OEA parecen proporcionar las principales vías para la solución pacífica de controversias en el hemisferio, siendo el Pacto de Bogotá el más utilizado para acceder a la CIJ. Además, la investigación reconoce que el papel, a veces prioritario, de los mecanismos políticos sobre los métodos ADR basados en tratados puede derivarse de la estructura inflexible de sus disposiciones, que pueden limitar el margen de maniobra de los Estados para emplear medios ADR.

Palabras clave: Resolución de controversias internacionales. Métodos alternativos de resolución de controversias (ADR). Américas. Pacto de Bogotá.

Introduction

Traditional international legal scholarship distinguishes between *diplomatic*—negotiation, mediation, conciliation—and *legal*—arbitration and adjudication—procedures as the two primary categories of conflict resolution techniques. However, international disputes frequently intertwine political and legal considerations as a consequence of strategy, context, or power dynamics, revealing a less clear separation between these two spheres. Accordingly, while distinguishing between these means of dispute resolution may be useful, both operate within a fundamentally political context. The often praised "judicialization" of international politics remains a fruit of foreign legal policy (*politique juridique extérieure*), to borrow the renowned Lacharrière's expression (Lacharrière, Coulée and Alabrune 2022).

The concept of foreign legal policy recognizes that national interests in legal aspects of international relations are intrinsically related and critical, even when not explicitly acknowledged (Lacharrière, Coulée And Alabrune 2022). It addresses the way in which states strategically engage with international law to advance their national interests (Mégret 2021). In this sense, foreign legal policy encompasses judicial strategies employed by states to advance national interests on the international stage, while acknowledging that such practices are not always guided by strict adherence to legal norms (Lacharrière, Coulée and Alabrune 2022). This does not imply a complete disregard for international law but rather suggests that states frequently adjust their foreign policy practices to align with evolving interests, occasionally relying on legal ambiguities during negotiations (Lacharrière, Coulée and Alabrune 2022). Therefore, States form policies on international law, guided by the objective of securing their national interests, and often engage in strategic handling of international norms to align legal outcomes with their political needs (Cazala 2013). While the international legal system is not ignored, it may be selectively mobilized, with constraints and incentives, to ensure the interest of those pursuing a certain foreign legal action (Cazala 2013). Applying foreign legal policy does not require denying the existence of international law, nor asserting its primacy; it considers the concrete dimension of international law as applied by states to justify their actions or to avoid inconvenient outcomes (Coutau-Bégarie 1989).

This approach reveals that international law often seeks a balance between the international community's ambitions and the individual states' practices and interests (Klabbers 2021). Beyond the idea that international law is only a body of rules and principles that determine the rights and obligations of

the states (Lowe 2012), there is also a prospective idea that it provides a framework and a vocabulary for international politics to occur.

The entanglement between law and politics is evident in international dispute settlements, where the selection of a dispute resolution strategy is also contingent upon an interplay of political and legal factors. This article specifically examines the dynamics influencing the use of alternative dispute resolution (ADR) mechanisms in international law, which generally include non-adjudicative methods like negotiation, mediation, inquiry, and conciliation. Despite a long history of informal application in inter-state relations, often lacking a formalized, treaty-based foundation, these mechanisms have been conventionally grouped under the umbrella of *alternative* dispute resolution especially as adjudication—initially through arbitration and later by judicial settlement—became more prominent in international law.

However, modern dispute resolution theory and practice increasingly acknowledge that no single method, including court proceedings, is universally optimal for resolving all types of disputes (Alter, Helfer and Madsen 2018). This is particularly pertinent in the context of inter-state conflicts. Rooted in the decentralized and non-hierarchical nature of international politics, these disputes often benefit from third-party involvement, less adversarial approaches, outcomes tailored to the specific context, and even the preservation of confidentiality. Consequently, a key area of inquiry emerges: what factors drive the selection of a particular ADR mechanism, or the decision to pursue litigation or arbitration, when states face disagreements?

Therefore, this article aims to: (i) assess if political factors influence the decision to recourse to ADR; and (ii.a) examine the presence of legal instruments establishing ADR mechanisms in the Americas and (ii.b) whether the choice of ADR is determined or influenced by these instruments.

This article argues that the selection of a particular dispute resolution strategy in international law is, in fact, largely context-dependent, contingent upon the broader political context and intertwined with foreign legal policy objectives and strategies **(I)**. Within the Americas, the American Treaty on Pacific Settlement (Pact of Bogotá), as a regional framework dedicated to peaceful dispute resolution, must be understood within this context **(II)**. Its provisions, while outlining specific procedures, are subject to the same strategic considerations and political calculations that shape state behaviour in international law. The Pact's effectiveness, therefore, hinges not only on its legal provisions, but also on the political will of states to utilize its mechanisms in a manner that aligns with both regional stability and their own national interests. Despite its provisions for ADR mechanisms, concrete examples of their explicit use under the Pact of Bogotá remain scarce. What could be

expected to serve as a prominent framework for ADR has, in practice, become the most widely utilized regional treaty containing a compromissory clause for litigation before the International Court of Justice (ICJ).

1. The Interplay of Law and Politics in the Choice of Dispute Resolution Mechanisms

If there is a constant attempt to distinguish between diplomatic and adjudicatory means to settle international disputes **(A)**, no doubt remains that legal disputes submitted to courts are also embedded in complex political scenarios, which makes it unclear to draw a clear-cut line between the political context and legal disputes **(B)**. The choice of ADR in the Americas is also contingent upon this context, among other factors capable of influencing State's decision in this regard **(C)**.

1.1. The obligation to resolve disputes peacefully: conventional distinctions between diplomatic and adjudicatory means

The general obligation to resolve disputes peacefully stems from both Article 2(3) of the United Nations (UN) Charter and from customary international law (International Court of Justice 1986). The ICJ has recognized that States are under an "obligation to settle their disputes by peaceful means" (International Court of Justice 2000). In the same vein, the *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations* (United Nations General Assembly 1970) and the *Manila Declaration on Peaceful Settlement of Disputes between States* (United Nations General Assembly 1982) both emphasize the need to settle disputes exclusively by peaceful methods. Within the Americas, the Organization of American States (OAS) Charter,[3] the Inter-American Treaty of Reciprocal Assistance (Rio Treaty),[4] and the Pact of Bogotá[5] collectively reinforce the obligation to resolve regional disputes peacefully.

3 OAS Charter, Article 3(i). Controversies of an international character arising between two or more American States shall be settled by peaceful procedures.

4 Rio Treaty, Article 2. As a consequence of the principle set forth in the preceding Article, the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations.

5 Pact of Bogotá, Article I. The High Contracting Parties, solemnly reaffirming their commitments made in earlier international conventions and declarations, as well as in the Charter of the United Nations, agree to refrain from the threat or the use of force, or from any other means of coercion for the settlement of their controversies, and to have recourse at all times to pacific procedures.

The obligation to pursue the peaceful dispute settlement is characterized by the freedom of states to choose the means by which they intend to fulfil this obligation (Pellet 2013). States' choice of means must be guided by good faith, in accordance with Article 2(3) of the UN Charter. The Charter indicates a non-exhaustive list of mechanisms for the peaceful settlement of disputes in Article 33(1), such as "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means." Dispute resolution mechanisms usually display a dichotomy: diplomatic or political means on the one hand, and adjudicative means on the other (Merrills 2017; Tanaka 2018). This division is usually justified by the bindingness of the outcome and by the distinct applicable framework to the dispute resolution mechanism.

This distinction between political or diplomatic means as opposed to adjudicatory means is also visible in the 1899 Hague Conventions and played an important role.[6] Article 38 of the 1907 Hague Convention also recognizes that whenever diplomacy has failed, arbitration may be considered as the most effective and equitable means of settling disputes. A similar provision can be found in the 1928 General Act for the Pacific Settlement of International Disputes (Article 21 refers to "any dispute"), according to which parties may recur to the procedure of conciliation, provided that the dispute has not been settled through diplomacy.

1.2. Legal disputes embedded in political contexts: the artificial distinction between political and legal disputes

The concept of "political disputes" or "matters" was developed as an exception to arbitration with treaties recognizing the distinction between legal and political disputes.[7] This distinction can also be found in the UN Charter—Articles 36(3), 96(1), and 96(2)—and in the ICJ Statute, as Article 36 confines the Court's jurisdiction to legal disputes.

6 See article 16 of the 1899 Convention for the Pacific Settlement of International Disputes (Convention I), referring to international arbitration: "In questions of legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle."

7 Some bilateral treaties in which this distinction is evident include: Arbitration Agreement between Great Britain and France (1903), which stated that only matters of "legal nature," that is, those relating to the interpretation of a treaty, should be submitted to arbitration. Those disputes that were vital to the respective parties' national interest were exempt. Other treaties containing the distinction between legal and political disputes include the Arbitration Convention between Germany and Belgium (1926) and the General Act of Arbitration (Pacific Settlement of International Disputes) (1929).

However, legal and political disputes remain inherently interconnected, as most if not all international disputes are invariably comprised of both legal and political dimensions (Sette-Camara 1992). Therefore, any attempt to delineate a "legal" dispute—containing an isolation of "justiciable issues" for judicial consideration—, as opposed to a "political" dispute—limited to factual terms—proves exceedingly challenging, if not entirely futile (Coleman 2003). Indeed, "[defining] a territorial dispute as 'legal' or 'political' is to some extent a failed exercise because all interstate disputes are by definition political" (Siniver 2024).

As the ICJ has emphasized in the case of *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, "legal disputes between sovereign States by their very nature are likely to occur in political contexts, and often form only one element in a wider and longstanding political dispute between the States concerned." The Court affirmed it should not decline to resolve the legal questions at issue regardless of these being embedded in a political context or dispute (International Court of Justice 1980). This view was reiterated by the 2004 advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, in which it was noted that "[T]he Court cannot accept the view [...] that it has no jurisdiction because of the 'political' character of the question posed" (International Court of Justice 2004). This tension is particularly evident in the South China Sea arbitration case, where one party (the Philippines) sought a legal settlement, whereas the other (China) maintained that the dispute involved historic rights which were outside the domain of international law and rejected the arbitral award issued by the PCA (Kardon 2018).

1.3. The complex interplay of political and juridical factors in determining the choice and appropriateness of dispute resolution methods

The determination of the choice and appropriateness of a dispute resolution strategy—whether based in unilateral action, bilateral negotiation, or based on the intervention of a third-party—is contingent upon a complex interplay of political and juridical factors. These include, *inter alia,* the mutual willingness of the parties to engage in cooperative resolution; the capacity of national governments to manage the domestic repercussions; the compatibility between domestic legal norms and international legal frameworks; the potential for escalation to violence in the absence of a settlement; and the sustained commitment to bear the costs associated with maintaining the existing state of affairs. It is crucial to recognize that these methods are not

mutually exclusive; states frequently employ hybrid approaches or develop tailored mechanisms to address specific circumstances (Siniver 2024).

These factors are assessed according to one's perspective in the conflict: (i) the perspectives of the states directly embroiled in the conflict and their designated representatives, who inevitably navigate both legal arguments and political considerations; (ii) the role of third-party mediators, whether states, international organizations, or individuals, who must balance legal principles with political realities to facilitate resolution; (iii) the influence of the institutional platforms provided by international organizations, which shape the negotiation process and its outcomes; and finally, (iv) the adjudicative function of arbitral tribunals or courts, whose decisions, while ostensibly grounded in law, are inevitably influenced by the broader political context.

In this context, the decision to activate a specific ADR mechanism, or even the fundamental choice of whether to employ any ADR at all, is inherently strategic and is based on a multifaceted assessment. Other external issues directly or indirectly related to the dispute might also be considered, such as the subject matter of the dispute, as certain issues may be more amenable to legal resolution than others; the identity of the other disputing party or parties, as states may adjust their approach based on their existing relationships and power dynamics; the selection of a specific court for initiating proceedings to the detriment of others equally competent to hear a case; the priority given by States to amicable relations with the other party, seeking to avoid actions that could damage long-term diplomatic ties; and States' desire to retain control over the outcome of the dispute, as they may prefer mechanisms that offer greater influence over the final decision.

Furthermore, the availability and accessibility of dispute resolution mechanisms influence state choices. States may opt directly for litigation, bypassing negotiation entirely, driven by considerations beyond purely legal imperatives. They may strategically decide to intervene as a third party or to participate in advisory proceedings. These decisions are all influenced by political calculations and contextual factors and are not made in a vacuum. Domestic political pressures, such as the need to address the concerns of specific interest groups, can also shape a state's approach to dispute resolution. Similarly, states may consider the interests of other involved states or international organizations, seeking to minimize potential diplomatic repercussions.

This reality is also applicable to American states. Contrary to the common perception that dispute resolution in public international law has historically prioritized adjudicative mechanisms, American states have consistently demonstrated a strong commitment to utilizing a variety of dispute resolution

methods. This includes a notable and early adoption of treaty-based ADR and arbitration practices, showcasing a regional inclination towards flexible and peaceful means of settling disagreements and challenging the long-held understanding of international law as a purely European product designed to address intra-European affairs.

2. The Selection of Alternative Dispute Resolution Mechanisms in the Americas

Latin American states share a longstanding tradition of concluding bilateral and multilateral treaties allowing for the use of arbitration and other ADR mechanisms as a means of settling regional disputes, a tradition which can be traced back to the Congress of Panama in 1826 and which developed largely independently from the 19th century and early 20th century European practice of interstate arbitration.

This unique approach to dispute resolution was evident as early as 1823, when Chile and Peru signed what appears to be one of the first modern treaties explicitly including arbitration for disagreements arising from the agreement itself. Similar *compromissory clauses*—agreements to arbitrate future disputes—followed in the 1831 treaty between Bolivia and Peru, a claims settlement between Colombia, Ecuador, and Venezuela in 1838, and three Chilean treaties with European powers in the 1850s.[8] Notably, Latin American states were party to most agreements containing such a clause signed up to 1868 (Harris 2016, 309). This proactive stance on dispute resolution, agreeing to arbitrate *beforehand*, was precisely what Britain and America were advocating for at the time, yet without success in their own contexts.

Compromissory clauses represented a commitment to arbitrate on a relatively limited range of issues. In contrast, a broader commitment, termed here a "general arbitration agreement"—a significant focus of jurists at the end of the 19th century—also saw its early adoption in Latin America. Before the first Hague Conference of 1899, 54 such agreements were signed globally, with an impressive 48 of these being between Latin American states (Harris 2016, 310).

Starting with the 1829 agreement between Colombia and Peru, one of the few general arbitration agreements from this period that did not involve two Latin American nations was an ultimately unsuccessful 1883 pact between Italy

8 See Treaty between Chile and France, June 30, 1852; Treaty between Chile and the United Kingdom, October 4, 1854; Treaty between Chile and Sardinia, June 28, 1856.

and Abyssinia (Harris 2016, 310). While the prevalence of these agreements in Latin America contrast with the frequent wars and border conflicts that marked the region up to the 1880s, it nonetheless demonstrates a persistent diplomatic inclination, at least in aspiration, towards the peaceful resolution of disputes.

The period spanning from 1890 to the outbreak of the First World War marked Latin America's ascent as a recognized global actor in international law in general, particularly in the realm of arbitration. In the early 1890s, the American States negotiated general arbitration agreements among themselves and with other states. Consequently, within just a few decades, the entire continent was interconnected by a network of bilateral arbitration treaties (Valencia-Ospina 2000, 293). The 1889 Pan-American Conference stands as a significant milestone in this development, and the prominence of Latin American states in this area contributed to their inclusion in the second Hague Peace Conference of 1907.

Building upon these trends, the conclusion of multilateral treaties focused on the arbitration of international disputes represented a logical progression (Valencia-Ospina 2000, 293). In the 1920s and 1930s, a period that laid the groundwork for the postwar regional framework, Latin American states actively embraced regional treaties that sanctioned the use of what later became broadly known as ADR mechanisms. Notably, as early as 1923, the United States and five Central American nations signed the Treaty of Washington, which established commissions empowered to conduct both conciliation and inquiry.

Also in 1923, the Fifth International Conference of American States in Santiago yielded one of its significant successes: the signing of the Treaty to Avoid or Prevent Conflicts between the American States in 1923, known as the "Gondra Treaty." This treaty required the submission of all controversies not resolved through diplomatic channels or existing arbitration treaties to a commission of inquiry (Davis, Finan and Peck 1977, 185). Under its stipulations, signatory nations were prohibited from engaging in any hostile acts for six months following the commission's report. The Gondra Treaty also established two permanent commissions, located in Montevideo and Washington, to receive and transmit requests for the activation of these commissions of inquiry. This treaty represented an initial, albeit limited, step towards the creation of an effective inter-American peace-keeping apparatus and garnered widespread ratification.

Responding to the 1928 General Act for the Pacific Settlement of International Disputes—by which all disputes between state parties should

be subject to conciliation except where the parties agreed to refer a legal dispute to judicial settlement or arbitration,—the 1929 Inter-American General Convention of Conciliation revised the Gondra Treaty, granting the commissions of inquiry, established under Article IV, broader powers of conciliation (Merrills 2017, 64). These developments progressed further in 1933 with a protocol to the 1929 General Convention, which provided for the creation of permanent bilateral commissions. Simultaneously, the 1933 multilateral Anti-war Treaty of Non-aggression and Conciliation (Saavedra Lamas Treaty) incorporated conciliation provisions inspired by the General Act, further solidifying the regional commitment to non-judicial means of dispute resolution.

Revisiting arbitration, in 1928-29, an extraordinary International Conference of American States on arbitration and conciliation took place in Washington, DC. During this conference, the American States adopted the 1929 General Treaty of Inter-American Arbitration, which stipulated that all legal disputes of an international character among the signatory states, which could not be resolved through diplomatic channels, should be submitted to arbitration (Valencia-Ospina 2000, 294). However, this obligation was weakened by several exceptions covering disputes that fall within the domestic jurisdiction of a State or that affect the interests of third parties. Further exceptions were introduced through reservations to the Convention. They also signed a Protocol of Progressive Arbitration, which established a procedure allowing a party to the General Treaty to wholly or partially renounce the exceptions or reservations made to the treaty.

At the Inter-American Conference for the Maintenance of Peace, held in Buenos Aires in 1936, three additional instruments concerning the resolution of disputes were signed. The Inter-American Treaty on Good Offices and Mediation offered parties in a dispute the option to resort to the good offices or mediation of "an eminent citizen of any other American country." The Convention to Co-ordinate, Extend and Assure the Fulfilment of the Existing Treaties between American States reaffirmed previous commitments to the peaceful resolution of conflicts. Furthermore, a Treaty on the Prevention of Controversies was concluded, establishing permanent bilateral mixed commissions to consider potential causes of future disputes.

The proliferation of these agreements posed a problem, leading to a lack of coordination among the various instruments. The numerous treaties addressing dispute settlement in the region created a fragmented legal landscape, with many states opting not to sign or ratify all of them. Although this concern was already evident at the Montevideo Conference of 1933 (Godio 2019), the

creation of an organized and harmonious unified instrument materialized in the post-war era. The Inter-American Committee of Jurists presented a draft project to the Ninth International Conference of American States in Bogotá in 1948, which subsequently resulted in the adoption of the American Treaty on Pacific Settlement, known as the Pact of Bogotá.

The Pact emerged as a relevant step towards a cohesive approach. It offers a unified framework for the peaceful settlement of disputes within the region, working in concert with the OAS Charter and the Rio Treaty to strengthen the regional peace and security architecture **(A)**. While the Pact of Bogotá offers a comprehensive, at least in theory, framework for employing ADR mechanisms, its potential in this regard remains largely underexplored in practice **(B)**.

2.1. Dispute resolution provisions under the Pact of Bogotá

The Pact of Bogotá, ratified by 15 American States,[9] establishes a mandatory obligation for signatory states to prioritize regional dispute resolution mechanisms before resorting to the UN Security Council (Article II). For this, it provides a detailed blueprint for the implementation of ADR mechanisms—good offices and mediation (Articles IX–XIV); Commission of Investigation and Conciliation (XV–XXX)—and provides a mechanism for arbitration (Articles XXXVIII–XLIX) and compulsory jurisdiction before the ICJ (Articles XXXI–XXXVII). Pursuant to Article VLIII, all previous regional peace treaties and conventions ceased to be in force for those States that became parties to the Pact.[10]

Articles III to VII offer valuable procedural rules for navigating the different mechanisms outlined in the Pact. Article III provides for significant flexibility in dispute resolution, explicitly stating that the order of procedures outlined in the treaty does not impose a strict sequence. Parties are free to select the method they deem most appropriate for a given situation, without being required to adhere to any inherent hierarchy, unless explicitly stated

9 Key absences include the United States, Argentina and Venezuela, that only signed the treaty. In 2012, Colombia withdrew from the treaty. For more information, see: https://www.oas.org/juridico/english/sigs/a-42.html.

10 Treaty to Avoid or Prevent Conflicts between the American States, of May 3, 1923; General Convention of Inter-American Conciliation, of January 5, 1929; General Treaty of Inter-American Arbitration and Additional Protocol of Progressive Arbitration, of January 5, 1929; Additional Protocol to the General Convention of Inter-American Conciliation, of December 26, 1933; Anti-War Treaty of Non-Aggression and Conciliation, of October 10, 1933; Convention to Coordinate, Extend and Assure the Fulfillment of the Existing Treaties between the American States, of December 23, 1936; Inter-American Treaty on Good Offices and Mediation, of December 23, 1936; Treaty on the Prevention of Controversies, of December 23, 1936.

otherwise. Conversely, Article IV imposes a clear prohibition against initiating any subsequent procedure while a prior one is underway. Although Articles III and IV appear to be clear, the interpretation of what constitutes the "end" of an ADR procedure, as referenced in Article IV, can be subject to dispute among parties, thereby creating ambiguity as to when subsequent ADR mechanisms or litigation become permissible.

In addition, the ADR procedures may not be applied to matters "which, by their nature, are within the domestic jurisdiction of the state" (Article V), which were already settled by arrangement between the parties or are *res judicata* (Article VI). Concerning matters already defined by the parties, *Territorial and Maritime Dispute (Nicaragua v. Colombia)* before the ICJ illustrates this provision. In this case, provisions contained in Articles VI and XXXIV were invoked by Colombia to challenge the jurisdiction of the Court. The 2007 judgment followed the approach under which "the clear purpose of this provision was to preclude the possibility of using those procedures, and in particular judicial remedies, in order to reopen such matters as were settled between the parties to the Pact, because they had been the object of an international judicial decision or a treaty" (International Court of Justice 2007a). The Court found that the matter of sovereignty over the islands of San Andrés, Providencia and Santa Catalina had been settled by the 1928 Treaty "within the meaning of Article VI of the Pact of Bogotá," thus considering the wording of Article I of the Treaty. Therefore, there was no need to proceed further into the interpretation of the treaty and there was nothing relating to this issue "that could be ascertained only on merits."

Furthermore, Article II stipulates that if parties deem direct diplomatic negotiations insufficient, they must resort to the treaty's procedures or mutually agreed-upon alternatives. However, this provision raises a critical issue regarding the requirement for mutual consensus on the insufficiency of negotiations. A potential conflict arises when one party wishes to persist with negotiations, while the other seeks to transition to alternative dispute resolution mechanisms. Although mentioned *en passant* by the treaty, negotiations remain the most widely used ADR mechanism in interstate disputes (Tanaka 2018).

The Pact of Bogotá mentions "direct negotiations" through "the usual diplomatic channels" as a precondition for using the ADR mechanisms provided by the Pact. It is noteworthy that the jurisprudence of the obligation to negotiate has been most significantly advanced in instances where Latin American states, having either failed to resolve their disputes through ADR, including negotiations, or not having pursued them at all, have sought

adjudication from the ICJ (Wellens 2018). These cases have allowed the Court to judicially solidify the position of negotiations within the international legal and political framework. The Court's case law, shaped by these cases, discusses the obligation to negotiate (*Border and Transborder Armed Actions*) (International Court of Justice 1988) and considers it as a key element in community interest regimes (*Pulp Mills*),[11] as well as a central point of contention (*Obligation to Negotiate Access to the Pacific Ocean, Bolivia v. Chile*) (International Court of Justice 2018).

The Court has stated that the absence both in the Charter and in general international law of "any general rule" to the effect "that the exhaustion of diplomatic negotiations constitutes a precondition for a matter to be referred to the Court" (International Court of Justice 1998). Negotiations "may be helpful" in "clarifying the terms of the dispute and delimiting its subject-matter," but "they as a general rule are not a mandatory precondition to be satisfied in order for the Court to be able to exercise jurisdiction" (International Court of Justice 2011).

The inclusion of a prior negotiation precondition in jurisdictional clauses or Special Agreements, a common practice among parties, renders the right to seize the Court conditional, delaying its exercise until negotiations have proven unsuccessful or a defined timeframe has passed (International Court of Justice 1998).

In both the *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* and *Border and Transborder Armed Actions (Nicaragua v. Honduras)* cases, prior negotiations were established as a prerequisite for the admissibility of the claim, with both cases relying on the interpretation and application of Article XXXI of the Pact of Bogotá.

In challenging the admissibility of Nicaragua's claim, the United States argued that the Applicant "has failed to exhaust the established process for the resolution" of the conflicts, namely the Contadora process—recognized by the Security Council and the OAS as "the appropriate method" (International Court of Justice 1986). Nicaragua argued that the US could not "shelter behind negotiations between third States in a forum in which it is not participating" (International Court of Justice 1986). Moreover, neither the UN Charter nor the Charter of the OAS requires "the exhaustion of prior regional negotiations." The Court dismissed the objection as there is no requirement "of prior exhaustion of regional negotiating processes as a precondition for

11 It must be noted that Argentina is not a state party to the Pact of Bogotá, therefore it will not be discussed in this article.

the seisin of the Court" (International Court of Justice 1986). Moreover, the existence of the Contadora process in this case "is (not) an obstacle to the examination by the Court" of the Application.

In *Border and Transborder Actions*, as to the admissibility of the Application Honduras submitted *inter alia* that "an essential precondition" to the use of the procedures of the Pact of Bogota, including a reference to the ICJ, had not been fulfilled, namely that "the dispute cannot be settled by direct negotiations" (International Court of Justice 1988). Nicaragua had "failed to show that this was 'the opinion of the Parties.'" According to Honduras, both parties must share the opinion that the dispute could not be settled by direct negotiations.

Honduras further objected to the admissibility of the case, arguing that the Contadora process constituted a "special procedure" under Article II of the Pact of Bogotá (International Court of Justice 1988). Consequently, Honduras asserted that Nicaragua was prohibited from "commencing any other procedure" for peaceful settlement "until such time as the Contadora process has been concluded," as stipulated in Article IV of the Pact (International Court of Justice 1988).

The Court acknowledged that the provision of Article II establishes a "condition precedent to recourse to the pacific procedures of the Pact in all cases." Consequently, the Court proceeded to examine the specific application of this condition within the context of the case at hand (International Court of Justice 1988).

The Court, in its analysis of the Contadora process, observed that on the date of Nicaragua's Application, "no other negotiation which would meet the conditions" of Article II was "contemplated." This observation underscores the fact that even the "mere contemplation" of renewed negotiations would have fulfilled the precondition. Consequently, the Court dismissed Honduras' contention that "the dispute" remained "capable of being settled by direct negotiation through the usual diplomatic channels" when the Application was filed.

2.2. The Infrequent Use of ADR under the Pact of Bogotá

However, a far greater number of disputes have been settled outside the framework of the Pact compared to those under a direct reference to its provisions. Indeed, there exists only one clear instance in which the Pact was invoked in order to arrive at the peaceful settlement of a dispute using ADR; it concerned a dispute in Central America. Furthermore, in all found instances,

the parties did not act on their own initiative, but on the recommendation of a political organ of the Organization of American States (Valencia-Ospina 2000). An example illustrates how the Pact of Bogota's mechanisms could be effectively employed. For instance, the 1955 border incidents between Costa Rica and Nicaragua saw the OAS Council, acting provisionally, recommend the establishment of a Commission of Investigation and Conciliation, as outlined in Article XVII of the Pact. This Commission subsequently played a role in the successful resolution of the conflict by 1956 (Stoetzer 1993).

The scarcity of direct references to the Pact of Bogotá raises the argument that the mere inclusion of treaty-based ADR provisions does not inherently guarantee greater or more active employment of ADR in settling interstate disputes. This may be due to at least two primary reasons.

Firstly, the preference of member states often leans towards the politically oriented dispute settlement mechanisms available within the OAS as it has historically offered a complementary, and arguably more readily utilized, framework for facilitating ADR.

The OAS stands as the main political and diplomatic forum for the Americas. One of the main purposes of the OAS is "to ensure the pacific settlement of disputes that may arise among the Member States" (Article 2). The role of the OAS in promoting the peaceful settlement of disputes is twofold. First, the OAS was among the first regional organizations to incorporate Chapters VI and VIII of the UN Charter into regional instruments (Article 24). The OAS also helped shaping normative and structural frameworks for the regional settlement of disputes. Second, the OAS itself was an active player in settling regional disputes by resort to operational preventive measures in the face of immediate crisis. This includes the involvement of the OAS in negotiations and fact finding, and resort to coercion and inducement, which may entail the use of sanctions or the deployment of observers.

Alongside the Meetings of Consultation of Ministers of Foreign Affairs, which address urgent matters of shared concern, the OAS Charter instituted the Permanent Council of the Organization, responsible for maintaining harmonious relations among member states. Among the tasks of the Permanent Council is helping States in reaching a peaceful settlement of their disputes (Article 84). If a dispute erupts between two States, any of them can seek assistance from the Permanent Council and obtain its good offices. The role of the Permanent Council is to recommend the procedures it considers suitable for the peaceful settlement of the dispute (Article 85). In exercising its functions, and with the consent of the parties to the dispute, the Permanent Council may establish *ad-hoc* committees (Article 86), and it

can also conduct an inquiry into the facts of the dispute, as well as conduct onsite visits in the territory of one of the parties (Article 87). In performing its functions, the Permanent Council and any established *ad-hoc* committee must observe principles of international law and any existing treaties in force between the contending parties (Article 90). If the mechanism recommended by the Permanent Council or by the *ad-hoc* committee is rejected by one of the parties, or if one of the parties declares that the procedure has not settled the dispute, the Permanent Council must report to the General Assembly (Article 88).

Of particular interest within the OAS's institutional history is the Inter-American Peace Committee. Although formally established in 1948, its origins can be traced back to the Second Meeting of Consultation of Foreign Ministers of the American Republics in Havana in 1940, predating the formal creation of the OAS itself (Stoetzer 1993, 120). This suggests a pre-existing regional inclination towards a specific body dedicated to peaceful dispute resolution, which the OAS later formalized. As with the Meeting of Consultation of Ministers of Foreign Affairs, it was created for maintenance of peace and security. In its first years of creation, the Committee was able to deal with disputes between the Dominican Republic and Cuba (1948), a dispute between Haiti and the Dominican Republic (1949), a dispute between Cuba and Peru (1949), and the situation in the Caribbean (1949), largely due to the fact that it could act not only on petition of any party to the dispute, but also on petition of a third American State or *proprio motu*. In 1957, the Committee contributed to the settlement of a long-standing territorial dispute between Honduras and Nicaragua by helping to secure the agreement of both sides to submit their dispute to the ICJ (James 1990, 50). Cançado Trindade observed that, despite not being based on a treaty, the referenced Committee was frequently utilized. This was attributed to its operational flexibility, which bypassed the complexities associated with the Pact of Bogotá and the Rio Treaty. Furthermore, its capacity to act *motu proprio*, unencumbered by treaty-based obligations, allowed for a swiftness of action that made it a recurringly favored mechanism (Cançado Trindade 1982, 167).

A 1965 statute reform curbed the Committee's autonomy as it required prior agreement of both parties to the dispute to act. In 1967, as a product of the Protocol of Buenos Aires, the Committee was integrated into the OAS Charter as a subsidiary organ of the Permanent Council under the name of "Inter-American Committee on Peaceful Settlement." Under the revised Article 82 of the Charter, the Permanent Council had now to "effectively assist" the Member States in the peaceful settlement of disputes. In 1985,

the Cartagena Protocol amended the OAS Charter and eliminated the Inter-American Committee for Peaceful Settlement. Instead, the Permanent Council is empowered to establish special ad hoc Committees, with the consent of the parties.

Under its current format, the OAS offers a comprehensive and well-established institutional structure, encompassing a secretariat (including the significant role of the OAS Secretary General), physical infrastructure for meetings, permanent diplomatic representation, and existing organs and bodies that facilitate consultations, negotiations, as well as a general culture of dialogue and diplomacy. Bodies such as the General Assembly, the Permanent Council, the Meeting of Consultation of Ministers of Foreign Affairs, alongside various working groups and *ad hoc* committees formed for specific issues, function in a complementary manner that provides numerous avenues for dispute resolution without the need to explicitly refer to the Pact of Bogotá.

The primary point underscores the complementary relationship between political and legal strategies in resolving disputes (Valencia-Ospina 2000, 321), suggesting these are not mutually exclusive and do not necessarily depend on each other. When disagreements arise between states within a region, the influence exerted by other regional states can be a persuasive factor in encouraging the disputing parties to seek resolution through adjudication. In this context, the function of the Permanent Council of the OAS, as outlined in Article 84 of its Charter, to "assist the parties and recommend the procedures it considers suitable for peaceful settlement of the dispute," takes on particular significance. This provision highlights the role of the OAS in actively guiding states towards peaceful solutions, potentially including the referral of matters to legal bodies.

Consider the maritime boundary dispute between Honduras and Nicaragua. In December 1999, responding to a joint request, the OAS Permanent Council convened a special session to address escalating tensions stemming from a boundary disagreement in the Caribbean Sea. Over the following months, the OAS facilitated four rounds of discussions involving the foreign ministers of both Honduras and Nicaragua. Through this OAS engagement, Honduras and Nicaragua signed a series of agreements committing themselves to peaceful relations while simultaneously referring the substantive issue of their maritime boundary to the ICJ (Talamas 2011, 51). In the interim, the OAS implemented various confidence-building measures aimed at de-escalating the situation. These measures included establishing communication channels between the two countries' armed forces, imposing restrictions on military activities along their shared border, and conducting joint patrols in the Caribbean

Sea. On October 8, 2007, the ICJ delivered its ruling on the case, which was accepted by both states, effectively bringing this long-standing dispute to a close (International Court of Justice 2007b). This example illustrates the concurrent and mutually reinforcing roles that political engagement and legal adjudication can play in the peaceful settlement of international disputes.

Echoing the emphasis on the complementarity of political and legal dispute resolution methods is the need for greater flexibility in simultaneously pursuing both adjudication and non-judicial approaches, which constitutes the second argument of this article. The Pact of Bogotá's structure, with its requirement for prior exhaustion of diplomatic negotiations (Article II) and the principle of *electa una via* (Article IV), could be seen as overly rigid. The ICJ, in the already cited *Border and Transborder Armed Actions* case between Nicaragua and Honduras, clarified aspects of dispute resolution sequencing. The ICJ implied that a party should not resort to adjudication if negotiations or other peaceful procedures are ongoing. Similarly, the Pact of Bogotá prohibits using other mechanisms like good offices or conciliation while the ICJ is considering the case. The Court recognized the Esquipulas II process, initiated after Nicaragua filed its application, as a negotiation rather than a mediation, which allowed the parties to continue parallel negotiations. Following the achievement of an agreement through this process, Nicaragua requested the discontinuance of the ICJ proceedings before the merits phase.

The case suggests it may be advantageous to allow parties to continue negotiations and even other peaceful procedures while resorting to the Court. Furthermore, if simultaneous negotiations and adjudication are permissible, it seems inconsistent to exclude other dispute settlement methods that also foster dialogue between the parties. While the legal proceedings address the specific points of contention brought before the Court, ongoing diplomatic efforts might explore broader underlying issues and offer opportunities for creative, politically viable settlements that go beyond what a purely legal judgment can provide.

Achieving a higher degree of such flexibility within the Pact of Bogotá would be beneficial, allowing for the concurrent operation of judicial and non-judicial procedures. This would empower parties to maintain some level of control over the dispute even while it is before a judicial body. Furthermore, it could expedite the overall settlement process, as parties could continue to address non-legal aspects of the issue while the legal dimensions are being adjudicated, potentially leading to a resolution even before the judicial proceedings conclude.

Rather, the focus appears to be on utilizing the Pact to establish ICJ jurisdiction rather than pursuing ADR. This is reflected in the high number of cases submitted to the ICJ based on Article XXXI of the Pact, such as: *Border and Transborder Armed Actions (Nicaragua v Honduras; Nicaragua v Costa Rica); Territorial and Maritime Dispute Case (Nicaragua v Colombia); Obligation to Negotiate Access to the Pacific Ocean (Bolivia v Chile); Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v Colombia); Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua); Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v Colombia);* and *Embassy of Mexico in Quito (Mexico v. Ecuador)*. Indeed, the Pact of Bogotá has become the most widely utilized regional treaty containing a compromissory clause to the ICJ.

Conclusion

Given that virtually all international disputes share inseparable legal and political dimensions, states strategically navigate various factors—such as the nature of the dispute, the identity of the other party, available *fora*, the desire for amicable relations, and the need to retain control of the outcome—when determining which dispute resolution strategy best aligns with their foreign policy objectives.

Focusing on the Americas, this research has shown that American states share a history of resolving regional disputes through legal mechanisms—though not always precluding the use of force—often including ADR, arbitration, and litigation in their bilateral and multilateral treaties. This tradition developed either in advance of or at least separately from European legal practices in the same area. However, as this article demonstrated, the practical application of the Pact reveals a preference for certain mechanisms over others, notably a greater reliance on the ICJ through its compromissory clause than on the ADR procedures outlined within the same treaty. This suggests that the mere existence of institutional frameworks for ADR, even within a dedicated treaty, does not automatically guarantee their widespread or prioritized use. The choice of dispute resolution strategy remains contingent upon a complex interplay of political will, strategic calculations, and the specific context of the dispute, echoing the broader principles of foreign legal policy. The limited number of ratifications of the Pact also contributes to its infrequent use.

Two primary reasons may account for this. Firstly, member states often prefer the politically oriented dispute settlement mechanisms within the OAS. The OAS, as the main political and diplomatic forum in the Americas, offers a well-established infrastructure, including the Permanent Council, capable of actively assisting in peaceful settlements through good offices, mediation, and the establishment of *ad hoc* committees. This politically driven framework has often been more readily utilized than the legalistic procedures of the Pact. The example of the Honduras-Nicaragua maritime boundary dispute, where OAS facilitation led to ICJ referral alongside confidence-building measures, illustrates the complementary role of political engagement.

Secondly, the structure of the Pact itself, with its emphasis on the prior exhaustion of diplomatic negotiations and the principle of *electa una via*, may be perceived as less flexible than the concurrent pursuit of both political and legal avenues facilitated by the OAS. While the Pact aims to provide a legal pathway, the practical inclination has been to either bypass its ADR provisions in favor of the OAS's political mechanisms or, notably, to utilize it primarily as a basis for establishing ICJ jurisdiction. The numerous cases brought before the ICJ citing Article XXXI of the Pact underscore this trend, positioning the Pact as a key regional treaty for accessing the Court rather than a frequently employed framework for ADR.

A valuable further step in this research would involve examining specific instances where states have employed ADR to advance their foreign policy objectives. This analysis would focus on how such uses manifest—or fail to manifest—within the institutional frameworks to which the state has consented to, whether they are established by bilateral or multilateral treaties, integrated within the structure of an international organization, or operate through standard diplomatic channels.

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INTERNATIONALIZATION OF PUBLIC POLICIES: THE INTERNATIONALIZATION OF THE ZERO HUNGER PROGRAM AS AN INSTRUMENT OF FOREIGN POLICY UNDER THE LULA ADMINISTRATIONS (2003-2010)

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Abstract

This article investigates the internationalization of public policies as an instrument of Brazilian foreign policy, focusing on the specialized literature about the internationalization of the Zero Hunger Program, with the aim of understanding how it was strategically mobilized in Brazil's international integration during the Lula da Silva administrations (2003-2010). To this end, we used an integrative review, a method that synthesizes empirical and theoretical productions, seeking to offer a deeper understanding of a particular phenomenon. The results indicate that the Program was one of the pillars of Brazilian foreign policy, articulating technical, symbolic, and normative aspects of a domestic policy with high social impact and providing a concrete example of Brazil's ambition to change its international identity. This experience shows how domestic policies can be vectors for international projection and transformation of a country's position in the global system.

Keywords: Public Policy. Internationalization of Public Policy. Brazilian Foreign Policy. Zero Hunger Program. Lula Administrations.

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INTERNACIONALIZAÇÃO DE POLÍTICAS PÚBLICAS: A INTERNACIONALIZAÇÃO DO PROGRAMA FOME ZERO COMO INSTRUMENTO DA POLÍTICA EXTERNA DOS GOVERNOS LULA (2003-2010)

Resumo

Este artigo investiga a internacionalização de políticas públicas como instrumento da política externa brasileira, tendo como objeto de estudo a literatura especializada sobre a internacionalização do Programa Fome Zero, com o objetivo de compreender como ele foi mobilizado estrategicamente na inserção internacional do Brasil durante os governos de Lula da Silva (2003-2010). Para isso, utilizou-se a revisão integrativa, método que sintetiza produções empíricas e teóricas, visando oferecer uma compreensão mais aprofundada sobre um fenômeno particular. Os resultados apontam que o Programa foi um dos pilares da política externa brasileira, articulando aspectos técnicos, simbólicos e normativos de uma política doméstica de alto impacto social e configurando um exemplo concreto da ambição do Brasil de alterar sua identidade internacional. Essa experiência evidencia como políticas internas podem ser vetores de projeção internacional e de transformação da posição de um país no sistema global.

Palavras-chave: Políticas Públicas. Internacionalização de Políticas Públicas. Política Externa Brasileira. Programa Fome Zero. Governos Lula.

INTERNACIONALIZACIÓN DE LAS POLÍTICAS PÚBLICAS: LA INTERNACIONALIZACIÓN DEL PROGRAMA HAMBRE CERO COMO INSTRUMENTO DE LA POLÍTICA EXTERIOR DE LOS GOBIERNOS LULA (2003-2010)

Resumen

Este artículo investiga la internacionalización de las políticas públicas como instrumento de la política exterior brasileña, tomando como objeto de estudio la literatura especializada sobre la internacionalización del Programa Hambre Cero, con el objetivo de comprender cómo se movilizó estratégicamente en la inserción internacional de Brasil durante los gobiernos de Lula da Silva (2003-2010). Para ello, se utilizó la revisión integradora, un método que sintetiza producciones empíricas y teóricas, con el fin de ofrecer una comprensión más profunda sobre un fenómeno particular. Los resultados indican que el Programa fue uno de los pilares de la política exterior brasileña, articulando aspectos técnicos, simbólicos y normativos de una política interna de alto impacto social y configurando un ejemplo concreto de la ambición de Brasil de cambiar su identidad internacional. Esta experiencia pone de manifiesto cómo las políticas internas pueden ser vectores de proyección internacional y de transformación de la posición de un país en el sistema global.

Palabras clave: Políticas públicas. Internacionalización de las políticas públicas. Política exterior brasileña. Programa Fome Zero. Gobiernos de Lula.

1. Introduction

The Zero Hunger Program (*Pograma Fome Zero* – PFZ) was an initiative launched in 2003 by the Brazilian federal government during the first term of President Luiz Inácio Lula da Silva (2003-2010). Aimed at guaranteeing the human right to adequate nutrition, the PFZ was directed at populations in situations of greater social vulnerability, emerging in a context of profound social transformations in Brazil, marked by changes in forms of social protection and the search for new institutional arrangements focused on the inclusion of the most vulnerable groups (Yazbek 2003).

However, this impact was not restricted to the domestic sphere. The PFZ also had a constitutive effect at international level by influencing the redesign of public policies (PPs) in several countries in the global South and by driving changes in international organizations, which began to incorporate concepts and practices inspired by this Brazilian model. In this sense, the PFZ took on a structuring role in the PP agenda at different levels, becoming a reference for the formulation and implementation of strategies aimed at food security and overcoming poverty. This international projection highlights how the internationalization of PPs was mobilized as a diplomatic instrument, contributing to the repositioning of Brazil as an influential actor in global food security governance.

The PFZ case exemplifies the growing internationalization of PPs, a widespread phenomenon that spans multiple countries and thematic areas, and has garnered increasing academic interest in recent years (Graham, Shipan and Volden 2013, Oliveira and Pal 2018, Oliveira *et al*. 2019). Despite this, Faria (2022) states that there are very few analyses that explore this process as an effective component of foreign policy or as part of national strategies for international integration. Approaches that address international development cooperation, South-South cooperation, and soft power are some exceptions, as they often address the sharing, export, and import of PPs (Milhorance 2013, Milani and Lopes 2014, Milani and Duarte 2015, Chatin 2016, Lima 2016, Morais 2017, Milhorance,2018, Pomeroy, Suyama, and Waisbich 2019). However, they rarely articulate directly with the field of internationalization, and it is common for them to fail to explore in depth both internationalization as an intentional foreign policy tool and the active role of foreign policy itself in the internationalization of PPs (Faria 2022).

In light of this, the article investigates the internationalization of PPs as an instrument of Brazilian foreign policy (*política externa brasileira* – PEB)

through analyses of specialized literature on the internationalization of the Zero Hunger Program (*Pograma Fome Zero* – PFZ). Thus, the goal was to understand the different approaches of this analytical set on the reasons and impacts of the strategic mobilization of the PFZ for the PEB during the first two terms of Lula da Silva (2003-2010). To this end, the following guiding question is adopted: "How, according to the specialized literature, was the internationalization of the Zero Hunger Program used as an instrument of Brazilian foreign policy during the Lula administrations (2003-2010)?"

The article begins from the premise that the progress made within Brazil through the implementation and later global expansion of the PFZ has contributed significantly to Brazil's recognition as a legitimate partner, committed to solidarity and to tackling hunger and poverty on the international stage. It is understood that the internationalization of policies associated with the PFZ goes beyond the technical field of international cooperation to enter the strategic field of foreign policy (Stone, Oliveira, and Pal 2019).

On this basis, the article investigates, through specialized literature, how this process played a relevant role in the construction of Brazil's international identity, strengthening the country's position as a strategic ally of nations in Latin America, the Caribbean, and Africa. This movement consolidated political and economic partnerships, expanded Brazil's participation in multilateral forums, and fostered the perception of the country as a system-affecting state, that is, a state capable of actively impacting the dynamics of the international system.

To conduct the proposed discussion, an integrative review was initially conducted to synthesize the empirical and theoretical production gathered on the topic (Broome 1993). This approach allows us to map and critically analyze the knowledge already produced on a given topic, integrating the findings of different studies, identifying gaps, and allowing for the development of new interpretations (Polit and Beck 2001, Benefield 2003, Mendes, Silveira, and Galvão 2008, Botelho, Cunha, and Macedo 2011).

The discussion proposed in this article is structured in three sections, in addition to this Introduction and the Conclusion. The first section describes the methodology adopted, detailing the literature selection criteria and the analysis procedures employed. The second establishes a theoretical framework that seeks to demonstrate the relationship between the internationalization of PPs and foreign policy, highlighting the conceptual and practical links between these two areas. Finally, the third section will be dedicated to presenting the results collected through the integrative review, aiming to identify how

the internationalization of the PFZ was instrumentalized as part of Brazil's international insertion strategy during Lula's first two terms.

2. Methodology

The methodological model proposed by Botelho, Cunha, and Macedo (2011) organizes the integrative review into six fundamental stages. The first consists of defining the theme and formulating the research question (Mendes, Silveira, and Galvão 2008), which must be clear and specific (Silveira and Galvão 2005; Ursi and Galvão 2006). In this article, both the theme and the research question follow the same guiding delimitation: the use of the internationalization of the PFZ as an instrument of the Lula governments' PEB (2003-2010). The next step is to define the keywords, the search strategy, and the databases to be used (Broome 1993). For this research, the following keywords were selected: "Foreign Policy," "Zero Hunger," "Hunger," "Food Security," "Poverty," and "Brazil," as well as their respective Portuguese versions. They were combined categorically using the Boolean operator "AND" in order to obtain results that integrate these terms together. The databases defined for the search were Scopus and the CAPES Journal Portal.

Scopus opted to use only English terms due to its international range and the predominance of the English language in the scientific publications indexed there. Considering that Scopus brings together journals from different parts of the world, the use of English descriptors significantly broadens the scope of the search, enabling the identification of relevant studies in different contexts. At CAPES, on the other hand, it was decided to combine keywords in Portuguese and English, given that the platform brings together a wide variety of studies in its database, both national and international. Additionally, the term "Brasil" or "Brazil" appears in the search strategies to narrow down the search, since its absence generates an excessive volume of results and could compromise the accuracy and relevance of the findings. The inclusion of the term does not compromise the quality or scope of the review; on the contrary, it contributes to its relevance and adherence to the object under investigation.

The second stage consists of establishing inclusion and exclusion criteria, which must be identified in the study and be clear and objective (Ganong, 1987). In the proposed case, three inclusion/exclusion criteria were defined, which all selected articles fully met. These were: 1) addressing Brazilian foreign policy, more specifically that of the Lula administrations (2003-2010); 2) addressing the phenomenon of the internationalization of public policies;

3) addressing the Zero Hunger Program and/or policies that approach the struggle against hunger and poverty.

The third step consists of identifying the pre-selected and selected studies. To this end, a search was initiated in the selected databases, for the purpose of pre-selecting the studies to be included in the review, using the aforementioned keywords. Then, the titles, abstracts, and keywords of all publications located by the search strategy were read. After an initial screening and exclusion of duplicate documents, 22 studies were preselected to compose the integrative review. In light of this, twenty of the texts were read in full to verify whether they actually met all the established inclusion and exclusion criteria, resulting in the exclusion of eight of them. It is worth noting that two of the texts initially preselected could not be analyzed in full because they were not available for public access, which also led to their exclusion. The exclusion criteria and excluded texts are shown in Table 1 below.

Table 1. Exclusion table

TEXTS	EXCLUSION CRITERIA
Brazil as an intermediate state and regional power: Action, choice and responsibilities	2 and 3
Brazilian International Development Cooperation and Public Opinion: Domestic Costs Faced by a Troubled Emerging Donor	2 and 3
Globalising solidarity or legitimating accumulation? Brazilian strategies and interests in Africa	2 and 3
International Development Cooperation as a Foreign Policy Instrument: The Political Economy of Brazilian Technical Cooperation from 2003 to 2016	2 and 3
New donors, same old practices? South-South Cooperation of Latin American emerging donors	2 and 3
Nigeria-Brazil Relations: Ties that Bind and Binds that Tie	Not available
Papel da Cooperação Técnica Brasileira com os países africanos de Língua Oficial Portuguesa (PALOP) o campo da segurança alimentar	2 e 3
The Dismantling of Brazilian Democracy: International Capital and Rentier Elites	2
The Role of the Brazilian Cooperation Agency in Promoting South-South Cooperation	2 and 3
The sources of moral authority: Policy networks and structuring south-south cooperation	Not available

Source: Created by the authors.

In addition, two studies were included through a complementary, non-systematic search conducted while reading other publications and bibliographic

references. At the end of this process, 14 studies were selected to compose the body of the integrative review.

The fourth stage seeks to succinctly summarize and document the information obtained from the studies identified in the preceding phases (Broome 1993). Ursi and Galvão (2006) state that, in order to extract information from articles, an instrument that allows each selected document to be analyzed separately should be used. Based on this guideline, the tool used was the Summary Table, designed to organize and summarize the relevant information from the selected studies in order to support the answer to the research question. The Summary Table corresponds to Appendix A at the end of this article.

The fifth stage refers to the discussion of the studies selected for the integrative review, at which point the Summary Table proved particularly useful for systematizing and visualizing the information. This stage consisted of gathering and comparing the information extracted from the documents, allowing for inferences and analytical reflections. The contributions of this stage will be explored in greater depth and qualitatively in the Results and Conclusion sections.

Finally, the sixth stage consists of writing the article, which includes a description of all the stages covered and presents the main results obtained. For Mendes, Silveira, and Galvão (2008), this stage is extremely important, as it has an impact due to the accumulation of existing knowledge on the researched topic.

Thus, by adopting integrative review as a methodology, we sought not only to systematize the knowledge already produced on the internationalization of the PFZ, but also to highlight how, from the perspective of the authors, this process was linked to the objectives and guidelines of the PEB during the Lula administrations. This study aims to contribute to a more comprehensive understanding of the strategic role played by Brazilian social policies in building the country's international image. Ultimately, it is hoped that the findings presented here will shed light on the links between foreign policy and the internationalization of PPs, as well as inspire new investigations that further explore this field of study, which is still in the process of consolidation.

3. Internationalization of Public Policies and Foreign Policy

The study of the internationalization of PPs reveals an emerging phenomenon, especially in countries in the global South, such as Brazil. It also

shows that producing successful policies is no longer enough; it is necessary to "sell" these policies to the world, establishing a strategic movement of internal legitimization and internationalization of policies. Such a movement is often directly linked to broader foreign policy strategies (Oliveira and Faria 2017). Given this, as the internationalization of PPs consolidates itself as a widespread phenomenon, it becomes possible to identify it as an important instrument of foreign policy for states (Stone, Oliveira, and Pal 2019, Faria 2022). Concrete examples of this process can be seen in "foreign aid" and "international development cooperation," which are not limited to the provision of material goods and technical assistance, but often involve the sharing of policy instruments, institutional models, and expertise between countries, promoting exchanges that are both technical and political (Hoebink 2010, Besada, and Kindornay 2013). This article is based on this proposition, seeking to demonstrate how the internationalization of PPs can serve as a strategic means of expanding the influence of states such as Brazil in the global scenario.

Faria (2012) observes that, since the 2000s, countries historically positioned as "importers" of PPs have taken on the role of "exporters." Brazil was an example of this scenario, in which the internationalization of PPs came to be conceived as an instrument of international integration. The internationalization of PPs can be part of what is known as soft power, a term used in international relations to describe the way in which a state attempts to indirectly influence the behavior or interests of other states (Nye 2004, Wang and Lu 2008). An example of this occurs when a country, aiming to expand its influence in an international organization or regime, increases its capacity or interest in promoting the dissemination of policies (Faria 2022).

The role of international regimes in disseminating norms and ideas is widely recognized, a process often shaped by the influence of dominant powers in the international system (Krasner 2012). However, more recently, authors such as Oliveira (2019), Milhorance (2013, 2020), and Faria (2018) have drawn attention to the role of international organizations (IOs) as facilitators of internationalization. Particularly noteworthy is the strengthening of South-South cooperation in the early 21st century, given that IOs are spaces for the collective construction of expertise and authority. This process would contribute to the creation of environments for the development and circulation of best practices and recommendations for national policy reform (Devin, and Smouts 2011). Such studies show that, although international regimes tend to reflect the interests of the most powerful countries, there is room for states at other stages of development to exert influence, allowing them to insert their agendas and experiences into the international debate and challenging, albeit partially, traditional power asymmetries (Krasner 2012).

In this sense, internationalization is related to a process in which certain actors seek to alter or shape the status quo of a field or area of government interest. Therefore, it would be closely linked to paradigm shifts in the approaches and actions of governments, which use the power of external actors to sustain and implement such transformations (Howlett, and Ramesh 2002). Menezes and Vieira (2021) argue that the internationalization of PPs allows emerging states to position themselves as normative actors, that is, as references in the establishment of new international norms. In other words, the formulation of political solutions to the problems of developing societies, reflected in specific policies and particular forms of sociability and identity, can be socialized and amplified on the international stage (Xiaoyu 2012). States that act as "policy leaders" tend to influence policy adoption elsewhere more quickly, especially when they have strategic connections with other jurisdictions (Mintrom, and Vergari 1998). In this context, the internationalization of PPs is seen as a strategy to strengthen the image of a country or region, presenting it as a model of innovation and good governance, contributing to the expansion of its influence in global arenas (Simmons, Dobbin, and Garrett 2006).

A clear example of this phenomenon occurred during Lula da Silva's first two terms in office. As the review of the specialized literature will show, the internationalization of PPs played a fundamental and complementary role in Lula's PEB. According to Faria (2002), it was considered the backbone of foreign policy at the time, being central to at least five of the most important objectives and/or strategies of a self-proclaimed "active" and "proud" foreign policy: a) the promotion of post-liberal regionalism in Latin America; b) the defense of new or expanded roles for international organizations; c) the revitalization of South-South cooperation; d) presidential diplomacy; and e) the promotion of systematic bilateral cooperation with countries in Latin America and Africa (Lima 2010, Ricupero 2010, Silva 2015, Vigevani and Cepaluni, 2007).

To deepen our understanding of the ways in which the internationalization of PPs has been mobilized as an instrument of PEB, we turn to Faria's (2022) typology. He classifies the different foreign policy instruments used by countries to achieve their foreign policy objectives into the following categories: 1) political instruments, which encompass various forms of diplomacy, the establishment of international coalitions or alliances, the creation of new organizations or the use of existing organizations, as well as the promotion of international regimes; 2) economic instruments, which include foreign aid, economic and trade policies, and economic sanctions; 3) cultural instruments, such as the establishment and promotion of national identity, the pursuit of improving the country's reputation abroad through nation branding, the application of

corporate marketing concepts and techniques to countries, with the aim of enhancing their image in international relations (Kerr and Wiseman 2013), and soft power; and 4) military instruments, which involve persuasion through threats or military pressure, as well as the direct use of force, i.e., war. Table 2 below shows hypothetical examples of how the internationalization of policies can be associated with these foreign policy instruments.

Table 2. Hypothetical examples of the internationalization of PPs as foreign policy instruments

Foreign Policy Instruments	Hypothetical Examples
Political Instruments	
Diplomacy	Presidential diplomacy, for example, may include a promise to share expertise in social policies.
International Alliances	The expansion of an alliance can be achieved through development cooperation, encompassing the internationalization of policies.
International Organizations	To secure support for the creation of an IO, the country may be willing to internationalize some of its successful national institutions or policies to future members.
International Regimes	The sharing of expertise in a particular policy area may be the reason why regimes are created or expanded.
Economic Instruments	
Foreign Aid	The internationalization of expertise in various policy areas is a frequent component of foreign aid.
Economic and Trade Policies	The establishment of trade agreements generally implies the national adoption of certain policies and/or institutions.
Economic Sanctions	Economic sanctions may be eased or suspended provided that a certain policy is adopted by the target country.
Cultural Instruments	
National Identity	A country's self-understanding as a promoter of world peace may involve the internationalization of national institutions and policies.
Nation Branding	Promoting a country's international image as a leading representative of third world nations may include the internationalization of national development or social policies.
Soft Power	South-South cooperation, which is generally understood as a form of soft power and often involves the internationalization of policies, may be promoted to ensure broader support for a country's claim in an international organization.
Military Instruments	
Military Persuasion/ Pressure	Military persuasion/pressure can be used to promote political change in the target country.
War	War proves to be an effective way to promote both regime change and policy change on the part of the enemy.

Source: Faria (2022), our translation.

The Lula administrations are examples of how these instruments were used strategically, given that the policies Brazil had and was developing domestically in various areas, such as agriculture, health, education, social protection, and public administration, among others, were central to achieving the country's international goals during that period (Faria 2022). Determined to position Brazil as a global leader in the fight against hunger and poverty, Lula used his active diplomacy to strengthen this agenda internationally (Lima 2023). His image as a charismatic leader and symbol of a renewed left, capable of combining solid economic policy with broad social measures, consolidated his position as a representative voice of the global South and as a bridge between developed and developing countries in the search for a more balanced, fair, and equitable economic order (Nina 2006).

The PFZ was implemented in this context as a social priority of the Lula administrations (Monteiro, 2003), marking a period in which policies related to food and nutrition security (FNS) were placed at the center of the country's development policy, seeking to ensure quality, quantity, and regularity in access to food for the entire Brazilian population (Arruda and Arruda 2007). The PFZ gained international prominence when Lula took it to the most important international forums and meetings, receiving support from the international community and becoming part of the global agenda (Cunha 2010). Its success was so significant that it was internationalized to countries in Africa and Latin America with the support of multilateral organizations (Bursztyn, Milhorance and Sabourin 2019; Leite and Leite 2022).

Thus, it can be observed that all the positive results achieved by the PFZ have led it to be considered a best practice (Faria 2012). It is now recognized as a model to be followed by a number of international organizations, such as the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP), and by international NGOs, such as ActionAid and Oxfam, which have praised the Brazilian approach to combating hunger and poverty (Fraundorfer 2013). In view of this, Brazil's example served as inspiration for other countries, especially in Latin America and Portuguese-speaking Africa, which were also committed to eradicating hunger (MacMillan 2010).

Legrand (2016) associates the internationalization of PPs with the emergence of transnational challenges, arguing that this process tends to occur when such challenges gain prominence on the global agenda and require coordinated responses between countries. In this scenario, successful experiences gain visibility and are adopted in other contexts. The internationalization of the PFZ occurred during a global food crisis, which

intensified the debate on food security and nutrition (FSN) and the role of effective social policies (Fouilleux 2009). According to Milhorance (2020), this crisis was triggered by rising prices for wheat, rice, soybeans, and corn in international markets, followed by growth in unsafe investments in the agricultural sector. As a result, combating hunger became a central theme on the international agenda (IFPRI, 2008), promoting high-level convergence and bringing food assistance, long-term food security, and the right to food into the global debate (Peck and Theodore 2015).

In addition, the financial and food crisis triggered an "epistemic crisis," destabilizing knowledge about the social world and challenging the authority of experts (Hernando Pautz and Stone 2018). In this scenario, the ability of United Nations (UN) agencies to fulfill their mandates and address global challenges has been widely questioned by the international community due to factors such as inefficiency, bureaucratic dysfunction, and lack of transparency, which have become even more evident in the context of the global food crisis (Barnett and Finnemore 2004, Fouilleux 2009, Devin and Smouts 2011). At the same time, diplomatic representatives from so-called emerging powers, such as Brazil, India, and China, intensified their criticism of the UN system, demanding greater participation in multilateral decision-making processes (Milhorance 2020). The foreign ministries of these countries began to question the procedures and performance of UN bodies, without, however, questioning the system as a whole (Milhorance and Soulé-Kohndou 2017).

In this scenario, new political solutions, including those promoted by the PFZ, gained prominence and became increasingly attractive to the international community (Milhorance 2020). Thanks to the diplomatic resources used to disseminate its instruments and ideas, as well as the access provided by the PFZ to international organizations, its legitimacy in political dialogue and cooperation on food security has been widely recognized (Burstyn, Milhorance and Sabourin 2019). This environment has fostered the emergence of triangular cooperation initiatives with UN agencies such as the FAO and the WFP, which are seen as instruments for strengthening strategic partnerships (FAO, 2013).

We therefore see that Brazil not only shared knowledge and successful practices, but also strengthened political and economic ties with countries in the South, consolidating its position as a relevant and influential global player. We understand that this strategic move was aimed at promoting effective Brazilian solutions to global problems, as well as building a new international identity for Brazil.

According to Lima (2005), there are two distinct international profiles for developing countries, associated with two specific international identities.

The first is that of a system-affecting state, a concept developed by Keohane (1969), corresponding to those countries that, although they have relatively limited resources and capabilities compared to the powers, adopt an assertive international stance, valuing multilateral arenas and collective action among similar countries in order to influence international outcomes. The second identity, referring to the global economy, is that of a "large emerging market," a category coined by the US Trade Representative, which refers to large peripheral countries that have implemented the economic reforms of the well-known Washington Consensus prescription: privatization, trade liberalization, economic deregulation, and state reform. Lima (2005) states that in this identity, credibility and macroeconomic stability are two currencies of great value in the globalized world, and international initiatives are conceived as mechanisms to "encapsulate" domestic reforms; collective action with similar countries is generally underestimated, with cooperation with developed countries prevailing.

The construction of a new international identity for Brazil under Lula's administrations is closely linked to the transition from an identity as a "large emerging market" to that of a "system-affecting state." This change reflects a shift in the PEB paradigm, marking a significant difference from the paradigm of previous presidencies and reflecting not only a change in strategic positioning, but also a new perception of Brazil's role in the international scenario. According to Lima and Hirst (2006), the inclusion of the social agenda as a central pillar of Brazilian diplomacy was one of the first and most important innovations of the Lula administration. Lula, through his identification with major social causes, such as the eradication of hunger and the reduction of inequalities, played a fundamental role in projecting Brazil as an emerging power on the global stage (Ricupero, 2010). In this context, he revived and gave prominence to the issue of food and nutrition security, reinforcing his commitment to social justice.

4. Results

The results of this study show how the internationalization of the PFZ was incorporated into PEB, especially during the Lula administrations, by linking the promotion of SAN (Food and Nutrition Security) with the country's strategic and diplomatic interests. They were obtained from the selected texts, which are identified in Table 3 below. Their results are summarized in the Summary Table at the end of this article.

Table 3. Selected Texts

Title	Author(s)	Year of Publication	Database
A difusão de políticas sociais como estratégia de inserção internacional: Brasil e Venezuela comparadas	Carlos Aurélio Pimenta de Faria	2012	Busca Complementar
A política externa brasileira durante os governos Lula (2003-2010) e a cooperação para o desenvolvimento: o caso do Fome Zero e a sua instrumentalização	Felipe Zorzi and Mariana Finger	2014	CAPES
A Segurança Alimentar e Nutricional no governo Lula (2003-2010): a agenda de combate à fome como instrumento de projeção internacional	Elis Virginia Santana	2020	CAPES
Agenda Social na Política Externa do Governo Lula: os casos da cooperação internacional prestada pelo MDS e pela ABC	Luciana Papi and Klei Medeiros	2015	CAPES
Brazil's foreign policy and health (1995-2010): A policy analysis of the Brazilian health diplomacy – from AIDS to 'Zero Hunger'	Célia Almeida, Thaisa Lima and Rodrigo de Campos	2023	CAPES
Brazilian foreign policy for the Global South: the creation of the Centre of Excellence against Hunger	Clarissa Dri and Andressa Caroline da Silva	2020	SCOPUS
Cooperação internacional, assistência alimentar e política externa brasileira	Thiago Lima, Flávia Belmont and Atos Dias	2013	CAPES
Cooperation on Food Security with Africa as an Instrument of Brazil's Foreign Policy (2003-2010)	Felipe de Albuquerque	2015	CAPES
Explaining Brazil as a rising State, 2003-2014: the role of policy diffusion as an international regulatory instrument	Henrique Menezes and Marcos Viera	2021	SCOPUS
Foreign Policy Analysis methodology to understand the diffusion of Brazil's agri-food policy under Lula's government	Lourrene Maffra	2021	SCOPUS
"Hunger Cannot Wait": The Poverty Issue in Brazilian Foreign Policy	Andrés Puntigliano	2006	CAPES
Política externa brasileira e transferência internacional de políticas públicas: a Minustah como janela de oportunidade para a cooperação brasileira no Haiti (2004-2017)	Rodrigo Fernando Gallo	2022	CAPES

Title	Author(s)	Year of Publication	Database
The Diffusion of Brazilian Public Policies Within International Venues: The Cases of Health and Rural Development	Juliana Luiz and Maria Berta Ecija	2022	SCOPUS
When Hunger meets Diplomacy: Food Security in Brazilian Foreign Policy	Cristina Ionue and Natália Coelho	2018	CAPES

Source: Created by the authors.

First, Puntigliano (2006) analyzes how the concept of "poverty," launched as a national banner of the Lula administration through the PFZ, was strategically mobilized as a legitimizing element of the PEB, presenting itself as an attempt to reposition Brazil in the international system by advocating for a new world order that was less asymmetrical between countries that are at the center and those on the periphery. One of the central points of his analysis is how the PFZ drove institutional restructuring at Itamaraty, with the creation of the Coordination of International Actions to Combat Hunger (CGFOME), whose function was to promote and coordinate Brazilian initiatives with national and international organizations, especially within the UN, through the FAO and the WFP.

CGFOME (*Coordenação Geral de Ações Internacionais de Combate à Fome* – General Coordination of International Actions to Combat Hunger) was part of a broader effort to integrate different public administration bodies, civil society organizations, and international actors. In this context, Brazilian experiences related to the PFZ began to be internationalized. According to the author, by adopting the fight against poverty as the structural axis of the PEB, Lula managed to find a shared purpose capable of sustaining the international actions of Brazil and its allies, articulating national interests and global demands around a politically mobilizing agenda.

Puntigliano did this analysis that is corroborated by Dri and Silva (2021). The authors state that the internationalization of the PFZ contributed to the creation of a specific sector within the Ministry of Foreign Affairs to deal with the issue, also pointing to the creation of CGFOME, responsible for coordinating the Brazilian government's international humanitarian cooperation actions, both emergency and structural, and for addressing issues of nutrition, food security and sovereignty, sustainable rural development, integrated risk and socio-environmental disaster management, and dialogue with civil society at the international level. CGFOME was therefore perceived

as an external mirror of the PFZ, with a three-pronged strategy covering the areas of emergency, structure, and rights, adopted by the UN.

However, the article focuses on the use of the Center of Excellence against Hunger as the main object for analyzing the Lula administrations' PEB. According to the authors, this decentralized foreign policy initiative, resulting from the internationalization of the PFZ, contributed positively to the projection of Brazil's international image, expanding the country's participation in global efforts to overcome underdevelopment, in line with the principles of South-South cooperation aimed at promoting social justice. For them, the internationalization of the PFZ is aligned with the country's search for soft power, corresponding to the Lula administration's attempt to diversify international partnerships in order to achieve greater balance with the countries of the North and expand Brazil's international leadership.

Other more specific objects of study are also used by different authors to explain this relationship between policy internationalization and foreign policy. Gallo (2022), for example, analyzes the relationship between the PEB and the internationalization of the PFZ through the United Nations Stabilization Mission in Haiti (MINUSTAH). According to him, the participation of Brazil in the Mission was not restricted to fulfilling its international security mandate, but represented an important window of opportunity for the projection of Brazilian foreign policy in other areas. In this context, Haiti became a privileged space for Brazil's international action, especially through the internationalization of initiatives in the areas of agriculture and health, supposedly aimed at mitigating hunger and poverty. Given this, Gallo argues that MINUSTAH was used as a platform for the internationalization of various policies inspired by the PFZ, suggesting that this internationalization was intentionally articulated in the context of the Mission as a soft power strategy, highlighting a convergence between diplomatic action and development cooperation.

Papi and Medeiros (2015) use the work of the Brazilian Cooperation Agency (ABC) in partnership with various state agencies, such as the Ministry of Social Development and Fight against Hunger (MDS), to explain how the foreign policy of the Lula administration was characterized by the use of new forms of cooperation with the South axis in the economic, technological, and educational spheres. According to the authors, the MDS provided more technical cooperation, focused on the exchange of experiences and knowledge in the social area, while the ABC acted as an agency directly linked to Itamaraty, centralizing cooperation resources for development and being responsible for large structural projects.

In this context, both bodies played a fundamental role in the internationalization of social techniques and technologies developed within Brazil, such as those derived from the PFZ. This internationalization then became an instrument of PEB, occurring in parallel with the international recognition of these experiences. According to the authors, this dynamic reflects a renewed conception of PEB, based on an appreciation of domestic social policy and international integration guided by solidarity, the expansion of partnerships with developing countries, and the consolidation of a regional bloc that is not only economic and political, but also social, through international cooperation.

However, other studies adopt a broader perspective, discussing how structural issues on Brazil's social agenda, such as food and nutrition security, have been strategically incorporated into foreign policy. This is the case of Santana (2020), who analyzes the inclusion of SAN in the Lula administrations' PEB, arguing that the advances made domestically, especially through the PFZ, contributed significantly to Brazil's international recognition. According to the author, these results consolidated the country as a strategic ally for nations in the global South in the development of food security policies, while projecting Brazil as an internationally recognized model for combating hunger and poverty. These countries began to position themselves as political and economic partners of Brazil, strengthening its role in multilateral forums.

By standing out in an agenda historically marginalized by developed countries, the author states that the Brazilian government saw in SAN, and consequently in the internationalization of the PFZ, a strategic opportunity to expand its international presence, especially by strengthening ties with countries in the South, with special emphasis on the role played by the Brazil/FAO International Cooperation Program. Although Brazil already held a prominent position in the international system, Lula's PEB was more proactive and strategically oriented toward establishing an image of leadership based on solidarity. The PEB promoted development and reconfigured global power dynamics.

In addition, Almeida, Lima, and Campos (2023) also analyze how health-related issues, such as SAN, became part of the PEB, highlighting the Lula administrations as a milestone in the consolidation of this process. According to the authors, health has become a strategic element for Brazil's international projection, with health diplomacy gaining strength and autonomy as a sectoral area of activity, an advance that was driven by the activism of social movements and the engagement of different sectors of the Brazilian state. In this context, the authors state that domestic policies, such as the

PFZ, were internationalized based on internal progress. These policies then became part of Brazil's strategies for entering the global arena. Thus, the internationalization of the PFZ reflected a model of cooperation based on horizontality and the value of shared experiences in facing common challenges.

International cooperation, particularly South-South cooperation, is thus a central theme in the analyses of the authors reviewed, highlighting its strategic role in Brazilian foreign policy during the Lula administrations. Faria (2012), for example, deepens this discussion by stressing the objective of Lula's PEB to prioritize the South-South axis as a way of promoting Brazil's rapprochement with other countries on the periphery of the capitalist system. According to the author, this guideline was operationalized both by expanding and redirecting the international aid offered by Brazil and by internationalizing successful domestic social policies, such as the PFZ. Faria argues that by presenting the PFZ as a good practice to be replicated internationally, Lula reinforced the solidarity and cooperative nature of his foreign policy, acting as a true policy entrepreneur. Thus, the strategy of international integration guided by solidarity and centered on South-South cooperation was not only promoted but also legitimized and consolidated through the internationalization of these social policies, an aspect that, according to the author, was most explicitly and repeatedly associated with the PEB during his administration.

Albuquerque (2015) also argues that cooperation was one of the strategic foundations of Brazil's foreign policy during Lula's administration. By addressing issues such as food security and public health, these initiatives not only strengthened international regimes, but also expanded Brazil's influence among both peripheral and developed countries. In this context, the internationalization of PPs, such as the PFZ, served as a means of legitimizing Brazil's role as a proponent of peaceful change in the international order. For him, the internationalization of policies was seen as an opportunity to align domestic interests with global agendas, consolidating the country's image as a relevant actor committed to central issues of international governance. Domestic achievements thus ceased to have a strictly national scope and began to be considered strategic pillars of international integration, having a systemic impact given the scope and number of international cooperation projects that incorporate them, which contributed to the use of these experiences as legitimate foreign policy instruments.

According to the author, this logic is mainly achieved through South-South cooperation, with emphasis on projects developed with countries in Africa, Latin America, the Caribbean, and Asia, which are carried out in partnership

with international organizations such as the FAO, giving even more visibility and credibility to Brazilian initiatives. Brazil, therefore, stands as a proactive, responsible, and innovative player on the international stage. Albuquerque states that, from this perspective, Brazil seeks a more representative position in a changing international order, one that opens space for emerging countries to act and offers scope for redefining power structures. Given this, by taking on responsibilities in areas historically considered "low politics," such as development and human security, the country strives to occupy a unique and influential position, promoting adjustments in the international order that reflect internal and external changes.

This strategy of international integration through South-South cooperation, anchored in values such as solidarity, shared responsibility, and joint development, proves even more complex when viewed in light of the actors and interests that shape its implementation. This is the context in which Maffra (2021) proposes an analysis of the theoretical foundations of Foreign Policy Analysis (FPA) applied to an understanding of Brazilian agri-food policy, with an emphasis on its internationalization as a strategic instrument for Brazil's international integration. The author examines, among other elements, the various actors involved in this process and identifies two main fronts of action: the first, targeting Latin America, mainly driven by sectors linked to social participation and civil society, as well as international organizations with a convergent orientation; and the second focused on cooperation with African countries, led mainly by actors linked to the commodities sector, scientific research in genetic improvement, and international financial institutions.

The author also states that the success of social policies implemented during Lula's administrations, especially the PFZ, contributed significantly to building Brazil's international image as a reference in the fight against hunger and poverty. This recognition was further enhanced by the rise of ideologically aligned governments in South America, which created a political environment favorable to social policies and increased the visibility of models such as Brazil's, even without formal coordination. In this sense, the author argues that the internationalization of the PFZ should not be interpreted solely as the spontaneous internationalization of a successful public policy, but as part of a deliberate foreign policy strategy that articulates domestic, diplomatic, and economic interests.

For Maffra, the Lula administration used the PFZ as a tool to strengthen Brazil's international prestige among developing countries, consolidating its leadership position in South-South cooperation. This perspective is reinforced by Lima, Belmont, and Dias (2013), who highlight how the domestic policies of

the Brazilian government, especially the PFZ, whose international repercussions were widely seen as positive, combined with concrete advances in economic and social welfare, elevated Brazil's prestige among developing countries. The authors state that food aid and assistance, promoted by South-South cooperation and the internationalization of the PFZ, have gained increasing visibility as part of the Brazilian government's efforts to place the country as a global leader in combating hunger and promoting SAN, arguing that the internationalization of practices, knowledge, and solutions derived from the PFZ among countries in the South tends to constitute a cyclical process: strengthening cooperation contributes to the development of institutional and political capacities in partner countries, which in turn expands the possibilities for interaction and collaboration between developing nations, ensuring the continuity and expansion of these partnerships. In this sense, this type of international action also represents a global integration strategy for Brazil, capable of articulating economic, social, and political interests in an integrated manner.

In the multilateral context, the authors also highlight the coordinated action with international organizations such as the FAO and the WFP, which have developed relevant initiatives in partnership with Brazil since the internationalization of the PFZ, reinforcing Brazil's strategy to expand its presence and influence in the international system, especially in the field of food and nutrition security. In the same vein, Zorzi and Finger (2014) state that Brazil's experience with the PFZ has been widely internationalized, especially in African and Latin American countries, which has given Brazil a prominent position in discussions about food security both within the FAO and in other multilateral forums. For the authors, recognition of the program's success was highly relevant for the country, as its growing demand for greater space on the international scenario was based precisely on the success of its development model and its defense of social justice. Thus, for them, cooperation through the internationalization of food and nutrition security policies, such as the PFZ, was instrumentalized as a strategy to ensure Brazil's greater presence and leadership in forums and discussions of interest to it, which made it possible to garner support from emerging and developing countries.

Inoue and Coelho (2018) also share this view, and argue that the social gains achieved by reducing hunger through the implementation of the PFZ in the domestic context were strategically used as a tool to strengthen Brazilian soft power. For the authors, these advances contributed to enhancing Brazil's status as a global actor and reinforced its legitimacy, while significantly

boosting the expansion of cooperation projects conducted by the government. In this context, according to the authors, development assistance promoted through the internationalization of the PFZ began to fulfill the political objectives of Brazilian foreign policy by allowing the country to project itself as an agent willing to share knowledge and successful public policies with other developing nations and the global South. This action highlighted Brazil's ability to operate on a global scale and seek greater prominence in major international institutions.

In this regard, Menezes and Vieira (2021) examine Brazil's international activism and its rise to the status of an emerging power during Lula's terms in office. For the authors, this period was marked by Brazil's efforts to play an active role in reformulating international norms and institutions, especially in the field of international development, but also in promoting new international arrangements aimed at global social development while proposing concrete solutions to shared challenges. In this context, the internationalization of the PFZ and other social programs began to play a central role in the country's foreign policy, offering an alternative model of development and a new governance structure for international cooperation. According to them, Brazil's actions expressed its conception of the challenges of global development. This is reflected in the emphasis on internationalizing public policies and successful models, such as the PFZ, through technical cooperation with countries in the Global South. This demonstrates Brazil's self-identification as a country that is both a recipient and a provider of solutions and knowledge for the global order.

For authors Menezes and Vieira (2021), the internationalization of the PFZ symbolized Brazil's ambition to exert influence over international norms from a Southern perspective, and was underpinned by a series of successful social experiments on the domestic front, bolstered by economic growth and legitimized by international organizations, representing not only an export of practices, but also the promotion of a worldview aligned with a project of inclusive social development. It is important to note that the authors also include in Brazil's international activities during this period the creation of institutions focused specifically on disseminating these policies and consolidating its own development agenda, such as the IPC-IG and the Center of Excellence against Hunger, which as previously mentioned in this paper, are the result of the internationalization of the PFZ and contributed to institutionalizing the ideological dimension of Brazilian foreign policy, in addition to reinforcing the country's role as a norm maker in the field of international development.

Finally, Luiz and Ecija (2022) argue that Brazil has engaged in the internationalization of policies as a means of achieving the country's ambition to change its international status. The PFZ, in particular, has been used as a diplomatic tool to promote Brazil's image as a benchmark in food security and poverty reduction. For the authors, the internationalization of the PFZ should therefore be understood as an integral part of the broader strategy of "active and assertive" foreign policy adopted during the Lula administrations, marked by greater engagement and leadership by Brazil in multilateral, minilateral, and (inter)regional forums.

This attitude was a reflection of the idea that the transformation of Brazil's global status required changes in the architecture of international governance and that the internationalization of successful social policies offered a legitimate way to strengthen Brazil's presence in these spaces. In addition to growing engagement with multilateral organizations, such as UN agencies, the authors also highlight the country's strategic role in regionalism and interregionalism, with the aim of promoting not only its policies, but also its values, paradigms, and development alternatives. Thus, they argue that the expansion of Brazilian participation in global and regional arenas was part of a broader project of internationalizing social policies, consolidating the internationalization of national norms and models as an essential component of the diplomatic strategy of an "active and proud" foreign policy.

6. Conclusion

The results obtained support analyses indicating that the internationalization of PPs, especially in countries in the global South, does not occur randomly or strictly on a technical basis, but is part of broader foreign policy strategies. States internationalize their policies in search of recognition, influence, and international projection. To this end, they seek to use successful domestic models as instruments of legitimation and to build authority on the global scene. In contexts historically marked by asymmetries, this practice enables developing countries to increase their ability to act, challenging the dominance of traditional powers and allowing them to contribute their own perspectives to the international dialogue.

The way in which certain governments shape their international strategies based on specific values becomes relevant in this scenario. In the case of Brazil, during President Lula da Silva's first two terms (2003-2010), the internationalization of social policies reflected a humanitarian and solidarity-based

approach that sought to combine national interests with an ethical commitment to global development. In this sense, the internationalization of policies became not only a way to "sell" political solutions, but also to shape norms, spread values, and strengthen cooperation networks based on principles of social justice and equity.

The results of the integrative review made it possible to demonstrate that the internationalization of the Zero Hunger Program was mobilized as one of the main pillars of Brazilian foreign policy during this period. Furthermore, the internationalization of the ZHP enabled Brazil to align its domestic and foreign agendas, strengthen its performance in multilateral forums, and project an international identity based on solidarity, social justice, and normative leadership. In this context, there has been intense diplomatic mobilization to consolidate Brazil's image as a supportive actor committed to global development. This intention was materialized in the creation of specific institutional structures (CGFOME), proactive action in multilateral organizations (FAO and WFP), and the promotion of South-South cooperation, especially with countries in Latin America and Africa. These initiatives increased the country's visibility in the international system and contributed to its legitimacy as a standard-setter in the field of SAN.

In addition, technical cooperation led by ABC, in partnership with the MDS, has also proved to play a key role in enabling the internationalization of institutional models and social technologies designed to combat hunger and poverty. Anchored in the principles of horizontal solidarity and joint solution-building, this approach has become a distinctive feature of Brazilian foreign aid. The internationalization of Zero Hunger was also used as a symbolic asset in building the country's international image, while strengthening Brazilian soft power by projecting an identity associated with combating hunger, social justice, and inclusive development. Brazilian nation branding during this period was based on the enhancement of domestic social achievements as a means of projecting prestige and international influence, especially among developing countries.

In view of this, it is clear that the strategy adopted reflected a multifaceted approach that mobilized political, economic, and cultural instruments with the purpose of transforming Brazil's international position. More than just expanding its external involvement, Brazil began to influence the normative and institutional dynamics that regulate international cooperation in areas such as food security, social development, and poverty reduction. By articulating domestic interests with global objectives under a logic of solidarity, the country did not limit itself to occupying existing spaces, but sought to shape

structures and agendas, repositioning itself as a formulator of norms and promoter of alternative models of cooperation.

In this sense, this study contributed to the discussion by understanding this strategy as an expression of a foreign policy directed toward Brazil's transition from a "large emerging market" to a "system-affecting state," as defined by Keohane (1969). The internationalization of the Zero Hunger program constituted a concrete example of this ambition to transform Brazil's ability to influence in qualitative terms by articulating technical, symbolic, and normative elements around a domestic public policy with high social impact. Therefore, it is concluded that this experience highlights a strategic shift in foreign policy during the Lula administrations and contributes to the construction of an international identity based on solidarity, social justice, and cooperation among developing countries. This is an emblematic experience that reveals how domestic public policies can be used as vectors for international projection and, more than that, as tools for transforming a country's position in the global system.

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APPENDIX A – SUMMARY TABLE

TEXT	IDENTIFICATION	RESULTS
A difusão de políticas sociais como estratégia de inserção internacional: o Brasil e Venezuela comparados [The Dissemination of Social Policies as a Strategy for International Integration: a Comparison Between Brazil and Venezuela]	Faria (2012)	The Zero Hunger program was used to project Brazil as a leader in the fight against hunger on a global scale, promoting the country's image as a model for other developing nations. The rhetoric of solidarity adopted by the Brazilian government, focused on reducing inequalities and promoting social justice, was used as a diplomatic tool to strengthen alliances and expand Brazil's presence in multilateral discussions on development and social inclusion. The initiative was [designed] in international forums and established itself as a benchmark for good social policy practices.
A política externa brasileira durante os governos Lula (2003-2010) e a cooperação para o desenvolvimento: o caso do Fome Zero e sua instrumentalização [Brazilian Foreign Policy During The Lula Administrations (2003–2010) and Development Cooperation: the Case of the Zero Hunger Program and its Instrumentalization]	Zorzi e Finger (2014)	The Zero Hunger program was used as a strategic tool for Brazil's international integration, in line with the logic of South-South cooperation, which prioritized partnerships with countries in South America and Africa—regions considered strategic for Brazilian diplomatic interests—strengthening Brazil's image as an emerging leader. This expanded its international influence, especially in forums such as the FAO, and contributed to the country's recognition as a defender of social justice and autonomous development. In addition, international cooperation in the area of food security through the internationalization of Zero Hunger helped strengthen support for Brazilian proposals for reform of the international system, including the restructuring of the UN Security Council, contributing to Brazil's leadership role among developing countries.
A Segurança Alimentar e Nutricional ns governo Lula (2003-2010): a agenda de combate à fome como instrumento de projeção internacional [Food and Nutritional Security in the Lula Administration (2003-2010): the Agenda to Combat Hunger as a Tool for International Projection]	Santana (2020)	The Zero Hunger program and the international recognition it garnered were used to project Brazil as a leader in food and nutritional security in the Southern Hemisphere. The program's domestic success strengthened Brazil's international prestige, enabling it to influence multilateral forums and consolidate political and economic partnerships with developing countries through its internationalization. In view of this, the promotion of food security was seen as a path to a more autonomous foreign policy and an international showcase for Brazil's capabilities in areas outside the agenda of central countries. Foreign policy then began to incorporate the food security agenda as a strategic tool, especially through South-South cooperation with countries in Latin America, the Caribbean, and Africa.

Agenda Social na Política Externa do Governo Lula: os casos da cooperação internacional prestada pelo MDS e pela ABC [Social Agenda in the Lula Administration's Foreign Policy: Cases of International Cooperation Provided by the MDS and ABC]	Papi e Medeiros (2015)	The Zero Hunger program was used to expand South-South cooperation, especially through the sharing of social techniques and technologies developed in Brazil, consolidating a foreign policy based both on solidarity and on the ambition for regional and global leadership in the social field. Brazilian foreign policy then began to integrate social actions into diplomacy, breaking with the neoliberal logic of the Washington Consensus and valuing social spending as a strategic part of Brazil's international integration, through the joint action of the Ministry of Development (MDS), with a focus on technical cooperation, and the Brazilian Cooperation Agency (ABC), linked to Itamaraty and responsible for major structural projects, [central] in this process.
Brazil's Foreign Policy and Health (1993-2010): A Policy Analysis of the Brazilian Health Diplomacy – from AIDS to "Zero Hunger"	Almeida, Lima e Campos (2021)	Zero Hunger was used as an instrument of Brazilian foreign policy by articulating, at the international level, the agendas of combating poverty and promoting development. Between 2003 and 2010, Brazil promoted the internationalization of domestic public policies, such as Zero Hunger itself, strengthening health diplomacy as a field with relative autonomy. This strategy was part of South-South Cooperation, which became a central axis of the country's international projection. Brazil's actions were marked by a demand-driven approach, focused on meeting the specific demands of countries in Africa and Latin America, avoiding the imposition of models and prioritizing dialogue and the joint construction of solutions.
Brazilian Foreign Policy for the Global South: the Creation of the Centre of Excellence against Hunger	Dri e Silva (2011)	Zero Hunger was used as an instrument of soft power and South-South cooperation during Lula's administrations, especially through the creation of the Center of Excellence against Hunger (2001), in partnership with the WFP/UN. Although conceived by non-diplomatic experts, the Center was incorporated into foreign policy and articulated in international forums as a strategy for diversifying partnerships and seeking greater autonomy from Northern countries. The initiative promoted the international dissemination of the Brazilian [...] in school feeding and food security, contributing to Brazil's image as a leader among developing countries.

Cooperação internacional, assistência alimentar e política externa brasileira [International Cooperation, Food Aid, and Brazilian Foreign Policy]	Lima, Belmont e Dias (2013)	Zero Hunger was one of the main domestic policies of the Lula administrations, and combined with positive results in terms of economic and social well-being, it played a key role in consolidating Brazil as a global power. Zero Hunger had a significant impact on the country's international standing, especially on issues such as poverty reduction and social development, while Brazil shared the knowledge, practices, and solutions it had acquired with other nations in the global South through South-South cooperation, not only strengthening its position in the international system but also advancing its economic, social, and political interests. In addition, partnerships with organizations such as the FAO and the WFP have consolidated Brazil's position as a leader in the fight against hunger and the promotion of food security, reinforcing its image as a stable emerging power committed to multilateralism and the reduction of social inequalities.
Cooperation on Food Security with Africa as an Instrument of Brazil's Foreign Policy (2003–2010)	Albuquerque (2015)	The Zero Hunger program was used as a strategic tool by Brazilian foreign policy when it was internationalized, reinforcing the country's image as a global actor committed to peaceful change. Inserted in the context of South-South cooperation, the program was taken to developing countries through partnerships with international organizations such as the FAO. By sharing successful policies, Brazil projects its domestic achievements onto the international stage, addressing issues such as food security, agricultural development, and combating hunger. This strengthens its position in international regimes, brings it closer to developed countries, and reaffirms its commitment to values such as good governance. Thus, the country seeks to consolidate itself as a responsible and proactive leader, contributing to a more stable international order that is sensitive to the demands of emerging countries.

TEXTO	IDENTIFICAÇÃO	RESULTADOS
Explaining Brazil as a Rising State, 2003–2014: the Role of Policy Diffusion as an International Regulatory Instrument	Menezes e Vieira (2021)	The Zero Hunger program was one of the pillars of Brazilian foreign policy during the Lula administrations, serving as an instrument of solidarity with the Global South through its internationalization, which strengthened ties with neighboring and African countries and fostered the formation of coalitions with other developing nations. Brazil promoted Zero Hunger internationally as a way to influence international norms and propose new forms of governance in the field of development, an effort that was favored by the context of economic growth and supported by international organizations, which legitimized and contributed to the dissemination of these policies. To structure and consolidate this action, the country created institutions such as the IPC-IG, the WFP Center of Excellence against Hunger, and the Brazilian Learning Initiative for a World without Poverty. The internationalization of these practices reflected not only Brazil's vision of development challenges, but also its self-image as an actor capable of contributing to the reform of global norms and the defense of the interests of peripheral countries in the international system.
Foreign Policy Analysis Methodology to Understand the Diffusion of Brazil's Agri-Food Policy under Lula's Government	Maffra (2021)	The Zero Hunger program was promoted internationally as a model of successful public policy, thanks to the favorable political context. Domestically, the Lula administration gained recognition for its advances in the social arena, which strengthened Brazil's image as an example to be followed. Internationally, the political environment in South America, with the rise of ideologically aligned governments and the appreciation of social policies, increased receptivity to the Brazilian model, even without formal regional coordination. This contributed to Brazil's legitimacy as a leader in South-South Cooperation and reinforced its role as a promoter of food security on the global stage.
"Hunger Cannot Wait": the Poverty Issue in Brazilian Foreign Policy	Puntigliano (2006)	The Zero Hunger program was used as a symbol of the fight against poverty to legitimize long-standing demands for a new, more equitable international order, acting as a point of convergence between Brazil's domestic and foreign policies. This strategy allowed the country to mobilize both domestic and transnational support and expand its influence in global spheres of authority. Brazilian foreign policy was then restructured to internationalize the national experiences of Zero Hunger, such as agrarian reform and family farming, and to bring together the state, civil society, and multilateral organizations around the agenda of food security and South-South cooperation. This effort was institutionalized with the creation of CGFOME at Itamaraty, which began to coordinate actions with international organizations, in particular the FAO and the WFP.

Política externa brasileira e transferência internacional de políticas públicas: a Minustah como janela de oportunidade para a cooperação Brasileira no Haiti (2004-2017) [Brazilian Foreign Policy And International Public Policy Transfer: MINUSTAH As A Window Of Opportunity For Brazilian Cooperation in Haiti (2004–2017)]	Gallo (2022)	The Brazilian government used the United Nations Stabilization Mission in Haiti (MINUSTAH) not only to fulfill an international security mandate, but also as a strategic opportunity to internationalize social public policies, especially those derived from the Zero Hunger Program. The internationalization of these experiences was articulated internationally as an instrument of soft power in the context of the mission, integrating the domestic agenda of combating hunger with the logic of International Development Cooperation. During the MINUSTAH period, Brazil implemented initiatives in the areas of agriculture and health with the aim of mitigating hunger and poverty in Haiti, positioning the Caribbean country as a strategic partner in Brazilian foreign policy, especially since 2010.
The Diffusion of Brazilian Public Policies Within International Venues: The Cases of Health and Rural Development	Luiz e Ecija (2022)	The Zero Hunger program was used as an instrument of Brazilian foreign policy during Lula's two terms in office, contributing to Brazil's "active and assertive" foreign policy strategy, which aimed to increase the country's participation in multilateral and regional forums, as well as promote its values and public policies on the global stage. The internationalization of Zero Hunger, within the context of South-South cooperation, was a way for Brazil to internationalize its social policies as alternative development models, with a view to building a new global order and repositioning the country in international governance.
When Hunger meets Diplomacy: Food Security in Brazilian Foreign Policy	Inoue e Coelho (2018)	The Zero Hunger program was used as an instrument of Brazilian foreign policy to strengthen the country's soft power, highlighting internal social achievements in reducing hunger, which not only enhanced Brazil's position on the international stage, but also gave it greater legitimacy as a global actor. In this context, Brazilian foreign policy began to integrate domestic variables, reflecting the connection between domestic and international issues, while the Lula administration used domestic advances in the fight against hunger to improve Brazil's image abroad and internationalize its social policies, consolidating its soft power. This has allowed Brazil to present itself as a nation willing to share its knowledge and successful policies, expanding its influence in global institutions and strengthening strategic partnerships, especially to gain support for its diplomatic goals.

RULE OF LAW WITH CHINESE CHARACTERISTICS: BETWEEN ECONOMIC OPENING AND POLITICAL CONTROL UNDER XI JINPING

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Abstract

China, historically influenced by traditions such as Confucianism and Legalism, has reconfigured its legal system following economic opening and global integration. In this context, this article aims to analyze how the rule of law has been constructed, reinterpreted, and operationalized in contemporary China, with an emphasis on the impacts of WTO accession and political centralization under Xi Jinping. A qualitative and bibliographic methodology was used to examine institutional development, the limits of judicial independence, and the strategic use of legality to strengthen governance. After thorough research, it was concluded that China adopts a distinct legal rationality, marked by the tension between normative modernization and power centralization.

Keywords: International Politics. International Law. Foreign Relations. Government Policy.

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ESTADO DE DIREITO COM CARACTERÍSTICAS CHINESAS: ENTRE A ABERTURA ECONÔMICA E O CONTROLE POLÍTICO SOB XI JINPING

Resumo

A China, historicamente marcada por tradições como o confucionismo e o legalismo, tem reconfigurado seu sistema jurídico a partir da abertura econômica e da inserção global. Nesse sentido, a fim de elucidar tal temática, este artigo possui como objetivo analisar como o Estado de Direito vem sendo construído, reinterpretado e operacionalizado na China contemporânea, com ênfase nos impactos da adesão à OMC e na centralização política sob Xi Jinping. Para isso, foi utilizada a metodologia qualitativa e bibliográfica, para examinar o avanço institucional, os limites da independência judicial e o uso estratégico da legalidade para fortalecer a governança. Após minuciosa pesquisa, foi possível concluir que a China adota uma racionalidade jurídica própria, marcada pela tensão entre modernização normativa e centralização do poder.

Palavras-chave: Política Internacional. Direito Internacional. Relações Exteriores. Política Governamental.

ESTADO DE DERECHO CON CARACTERÍSTICAS CHINAS: ENTRE LA APERTURA ECONÓMICA Y EL CONTROL POLÍTICO BAJO XI JINPING

Resumen

China, históricamente influenciada por tradiciones como el confucianismo y el legalismo, ha reconfigurado su sistema jurídico a partir del proceso de apertura económica y su creciente inserción en el escenario global. En este contexto, el presente artículo tiene como propósito analizar cómo el Estado de Derecho ha sido construido, reinterpretado y operacionalizado en la China contemporánea, con especial énfasis en los impactos de la adhesión a la Organización Mundial del Comercio (OMC) y en la centralización política promovida durante el liderazgo de Xi Jinping. Para tal análisis, se adoptó una metodología cualitativa y bibliográfica, orientada a examinar el desarrollo institucional, los límites de la independencia judicial y el uso estratégico de la legalidad como herramienta para fortalecer la gobernanza estatal. A partir de una investigación minuciosa, se concluye que China adopta una racionalidad jurídica propia, caracterizada por una tensión permanente entre la modernización normativa y la consolidación del poder central.

Palabras clave: Política Internacional. Derecho Internacional. Relaciones Exteriores. Política Gubernamental.

Introduction

The consolidation of the rule of law in China is a recent, complex process, deeply shaped by specific historical, cultural, and political dynamics. Traditionally grounded in doctrines such as Confucianism and Legalism, the Chinese legal system for centuries prioritized social stability, the morality of rulers, and hierarchical control, to the detriment of formal legal normativity in the Western sense. With the "Reform and Opening-Up" policy initiated by Deng Xiaoping in the late 1970s, and especially with China's accession to the World Trade Organization (WTO) in 2001, the country began to gradually incorporate legal practices and instruments aimed at normative predictability, institutional transparency, and regulatory security, particularly in the economic sphere.

Accordingly, this article aims to analyze how the rule of law has been constructed and reinterpreted in contemporary China, with emphasis on the impacts of global economic integration and the normative transformations promoted under the leadership of Xi Jinping. To achieve this, the study is organized into five sections, offering an integrated analysis of theory, institutional context, and historical elements.

The first section examines the conceptual foundations of the rule of law, focusing on its formulation within Western legal thought and its growing international projection. It also addresses critiques developed by critical legal theory and studies on legal globalization.

The second section is dedicated to analyzing China's legal-philosophical trajectory, contrasting the traditions of Confucianism and Legalism and showing how these frameworks have shaped the unique way law became institutionalized in China. In this context, the coexistence between strengthening legality and maintaining centralized political control by the Chinese Communist Party (CCP) is discussed, which gives rise to a hybrid and functional model of legal governance.

The third section delves into China's accession to the WTO, interpreting this event as a decisive milestone in legal and regulatory restructuring. It explores the commitments undertaken by the country, the reforms implemented to meet multilateral requirements, and the effects of this process on the modernization of the domestic legal apparatus, particularly regarding transparency, judicial review, and regulatory harmonization.

The fourth section focuses on Xi Jinping's government and his proposal of "law-based governance." It assesses how this directive has been operationalized

through institutional reforms, legal codification, and the redefinition of the relationship between the party and the judiciary, while structural limits to judicial independence and the separation of powers remain. This section also highlights technical advancements and accountability mechanisms introduced, contrasted with party surveillance and disciplinary systems.

Finally, the fifth and last section presents the study's concluding remarks, synthesizing the main research findings and reflecting on the prospects for the evolution of the rule of law with Chinese characteristics. It argues that although the Chinese legal system does not fully align with Western models of the rule of law, it has been evolving into an increasingly sophisticated, instrumental, and strategic structure oriented toward economic governance and internal political stability.

Adopting a qualitative, exploratory, and bibliographic approach, the article draws on specialized national and international literature, institutional documents, and theoretical contributions on comparative law, legal globalization, and critiques of liberal constitutionalism.

In this context, studying the rule of law in China gains strategic relevance in light of the country's growing role in reshaping international norms and institutions. The Chinese legal model not only adapts traditional categories to its historical particularities but also proposes an alternative normative rationality to the Western liberal conception, with significant implications for global governance and international law. Thus, analyzing this legal experience becomes essential for understanding contemporary disputes over legality, sovereignty, and transnational legal orders.

1. From the Liberal State to Global Constitutionalism: Theoretical Disputes Surrounding the Rule of Law

According to Dan (2008), amid constant social transformations, two areas emerge as central to the stability and development of societies: economy and law. The author emphasizes that these spheres are interdependent, as sustainable economic growth requires a solid legal system capable of ensuring stability, protection of rights, and normative predictability. Furthermore, the contemporary global market demands international integration in the fight against corruption, grounded in transparency and regulations that promote democratic institutions and open economic systems (Dan 2008).

In this context, the concept of the Rule of Law gains prominence, also referred to by the term "rule of law" in its Anglo-Saxon origin (Dan 2008).

According to Reale (2000, 37), the Rule of Law is characterized by the principle that all state decisions are regulated by law and derive their legitimacy from it. In contrast, Canotilho (1999) presents the idea of a "non-rule-of-law state," where the exercise of state power is not subject to legal constraints. Thus, the Rule of Law is based on the supremacy of law and the limitation of arbitrariness, ensuring the protection of fundamental rights and guarantees.

For Waldron (2016), the Rule of Law presupposes normative predictability and the equitable application of legislation, fostering public trust in institutions. The author explains:

> If a statute is properly drafted (if it is clear, intelligible and expressed in general terms) and prospectively enacted and promulgated, and if it is administered impartially and with due process—they will call this an entirely appropriate exercise under the Rule of Law. Indeed, that is what many scholars mean by the Rule of Law: people being governed by measures laid down in advance in general terms and enforced equally according to the terms in which they have been publicly promulgated (Waldron 2016).

The concept of the Rule of Law gains even greater relevance in the context of globalization. According to Neto (2007), contemporary international relations have promoted a "Rule of Law globalization", extending its application beyond the economic sphere to include areas such as human rights, environment, security, and justice. In this scenario, international regimes operate based on legal norms and establish regulatory standards for states, shaping a global governance model based on law (Neto 2007).

However, despite offering a system grounded and legitimized by law, the Rule of Law can also be used as a tool to safeguard specific interests and maintain power structures. It is in this context that critical legal theory emerges as an approach that challenges the traditional view of law as a neutral and impartial system of rules. Initially founded by the Frankfurt School, with thinkers such as Max Horkheimer (2002), Theodor Adorno (2003), and Jürgen Habermas (1984), this perspective argues that law is, in fact, a mechanism of power used to maintain and reproduce social inequalities. According to this critical view, law is not merely a set of objective rules, but a system that can be instrumentalized to perpetuate domination (Horkheimer 2002; Adorno 2003; Habermas 1984; Martins 2025).

Thus, the law may operate in various ways to uphold inequalities. It may favor specific social groups by granting benefits and protection to dominant

elites while marginalizing others. It may also act as a tool to restrict rights by limiting access to resources or freedoms for underprivileged groups in favor of powerful sectors (Martins 2025).

Another relevant aspect is the use of law as a means of concealing inequalities. Under the guise of formal equality, law may create the illusion that all are treated fairly, while in practice, certain interests are systematically favored (Martins 2025).

Horkheimer (2002) conceives law as part of "instrumental reason," a logic that subordinates knowledge and human action to domination, turning law into a tool of social control. Adorno (2003) adds that law, by presenting itself as an objective system of rules, conceals its true function: to maintain the established order and the privileges of specific social groups. Habermas (1984), through his "theory of communicative action," views law as a contested space where rational discourse should prevail but is often distorted by power relations.

David Kennedy (2006) expands this critique by arguing that the very concept of the Rule of Law is often used as a tool of domination. According to Kennedy, the discourse that promotes the Rule of Law in developing countries masks the reality that law is a product of power dynamics, serving to legitimize the hegemony of Western interests (Kennedy 2006).

Foucault's (2004) critical perspective on governmentality also supports this interpretation, viewing the Rule of Law not only as a limiter of power but as a mechanism by which the state subtly exercises disciplinary power—organizing practices and defining norms that regulate everyday life. This view reveals that the Rule of Law, rather than limiting power, can serve to intensify and legitimize it (Foucault 2004).

It is also essential to consider the perspective of the Rule of Law from the "Law and Development" theoretical framework, particularly in the work of Trubek and Santos (2006), who question the export of Western legal models to developing countries. These authors argue that such models often ignore local cultural and institutional contexts, imposing a legal vision that does not reflect the needs and realities of peripheral countries. Instead of promoting development, these initiatives frequently reinforce dependency and perpetuate structural inequalities (Trubek and Santos 2006).

In response to this impasse, Boaventura de Sousa Santos (2002) proposes the concept of "legal pluralism" as an alternative to the hegemonic Rule of Law model. He advocates for the recognition of multiple legal systems, including those based on traditional knowledge and practices, as a way to break with the imposition of a singular legal worldview.

Another important notion is that of global governance, which emerges as a central element in this debate, particularly in the context of global constitutionalism. Global governance refers to the development of normative and regulatory mechanisms that transcend state borders, establishing rules and standards that directly affect national legal systems. In this scenario, international organizations, transnational corporations, and private regulatory networks become key actors, shaping law in a decentralized manner (Teubner 2004). Therefore, with globalization-driven interconnection among countries, it can be inferred that various actors in the international system influence how states develop domestic legal frameworks, affecting legal regulation.

Based on all the above, it can be concluded that the concept of the Rule of Law is not static but dynamic, being appropriated and reinterpreted according to political, economic, and cultural contexts. Its centrality in contemporary societies stems from its promise to ensure rights, limit power, and promote the essential legal stability to institutional functioning and collective trust.

However, as discussed, this promise is not immune to criticism. While the Rule of Law can be a tool of protection and emancipation, it can also function as a mechanism of exclusion, domination, and reproduction of inequalities, as demonstrated by the critical approaches that deconstruct it from sociological, philosophical, and economic perspectives.

The analysis of the authors cited here highlights the normative and institutional relevance of the Rule of Law as a foundation of modern democracies. Yet, a critical view reveals the intersection of power relations, economic interests, and historical structures that shape its application and reach. Law, depending on the context, appears as a technology of governance—producing subjectivities, practices, and norms—whose analysis must go beyond its formal appearance to unveil its connections with mechanisms of control, regulation, and social discipline.

Therefore, understanding the Rule of Law today requires a critical approach capable of articulating its formal and material dimensions, normative and sociological aspects, and both its domestic and transnational forms. Far from being a finished concept, it remains a historical construction still in development.

With these theoretical foundations established, the article now turns to its main objective: to analyze the construction of the Rule of Law in China, with an emphasis on its economic dimension and under the leadership of President Xi Jinping. Thus, continuing the scope of the research, the next section will examine how this concept is applied within the Chinese legal system.

This analysis will reveal how the principles of the Rule of Law are adapted, challenged, or redefined in the specific context of China's political regime.

2. Rule of Law with Chinese Characteristics? Philosophical and Institutional Foundations of the Traditional Legal Model

The notion of the Rule of Law, as conceived in the West, is deeply rooted in a liberal tradition in which law functions as an instrument for limiting state power and guaranteeing individual rights. However, this conception did not develop in a parallel manner in China, whose legal-philosophical tradition is marked by the predominance of doctrines such as Confucianism and Legalism (Dan 2008; Aguiar 2017).

Confucianism, which dominated Chinese social organization for millennia, holds that order must be achieved through the morality and virtue of rulers, with a strong emphasis on hierarchy, harmony, and familial obligations. In this system, legal norms play a secondary role, with moral rectitude serving as the true regulator of social relations (Aguiar 2017). Justice, therefore, was not based on rigid codes or jurisprudence but on ethical and cultural standards (Dan 2008).

In contrast, Legalism, also a classical tradition in Chinese thought, was based on a skeptical view of human nature and defended the use of law as a tool for social control. In Legalism, the effectiveness of governance is directly tied to the clarity and strict application of laws, enforced impartially and rigorously, regardless of one's status or morality. This perspective is closer to the Western model of the Rule of Law, as it recognizes the centrality of legal norms and the necessity of sanctions to ensure order (Dan 2008; Aguiar 2017).

However, as Burnay (2018 *apud* Aguiar 2017) highlights, the synthesis of these two traditions in China's imperial legal system led to a configuration in which law primarily served to maintain the stability of governmental power, while the protection of the individual was subsidiary and largely delegated to the family structure. This resulted in a system with a strong emphasis on criminal law and limited institutionalization of civil and administrative spheres.

Another structural factor that hindered the consolidation of a Rule of Law akin to Western standards was the centralization of power in the hands of imperial magistrates, who combined legislative, administrative, and judicial functions (Lawrence and Patterson 2018). This structure underwent significant change only in the 20th century, with the fall of the last imperial

dynasty and the beginning of reforms aimed at modernizing China's legal apparatus (Dan 2008).

Beginning with economic reforms in the 1980s, especially through Deng Xiaoping's "Reform and Opening-Up" policy, law began to play an instrumental role in the modernization of the state and its integration into the international system. The adoption of legal norms inspired by Western models became part of China's development strategy, particularly after its accession to the World Trade Organization (WTO) in 2001 (Dan 2008; Aguiar 2017; Lawrence and Patterson 2018).

Since then, the Chinese government has shown continuous effort in building a legal framework that is more transparent, rational, and predictable, with the aim of attracting foreign investment and ensuring regulatory stability in the economic sphere. This process led to the formal establishment of the Rule of Law as one of the constitutional pillars, incorporated into Article 5 of the 1982 Constitution, amended in 1999, which states that no entity or individual is above the law (Aguiar 2007).

In 2018, a new constitutional amendment eliminated presidential term limits previously established in the 1982 Constitution. Since then, several broad but legally vague security laws have been implemented—including in the Hong Kong Special Administrative Region. A prominent example of the instrumental use of domestic law and China's selective adherence to international legal commitments is the June 2020 enactment of the "National Security Law" for Hong Kong. This law was unilaterally approved by Beijing, bypassing the local legislature and contradicting principles set forth in the Sino-British Joint Declaration, particularly the "One Country, Two Systems" framework (Oud 2022).

Nonetheless, the central issue remains the interpretation of this "Chinese Rule of Law" concept. A continued debate persists over whether the Chinese legal system aligns with the "rule of law"—in which law constrains even the ruling party—or the "rule by law," in which legislation is used as a tool to consolidate existing political power (Li 2019; Lawrence and Patterson, 2018). This debate stems from the dominance of the Chinese Communist Party (CCP) and its direct control over the judiciary—factors that challenge institutional independence and, consequently, the possibility of a Rule of Law aligned with Western standards.

In this context, China's legal modernization should not be interpreted solely from a Western perspective. As Choukroune (2012) argues, it is a singular process in which local and global elements are intertwined, resulting in a hybrid model of legal governance. China's accession to the WTO spurred significant

normative reforms and contributed to the development of mechanisms for transparency and judicial review. However, these advancements coexist with structural limitations, such as the absence of checks and balances, the lack of a truly independent judiciary, and the central role of the party in strategic decision-making (Peres and Daibert, 2015).

Despite these obstacles, the growing influence of the academic community and legal scholars in shaping and interpreting legal norms demonstrates a degree of institutional maturation. As Carvalho (2020) notes, the increasing role of legal scholars in China's legal and legislative debates has promoted the diffusion of the concept of law-based governance. Legal education, in this regard, is seen as a key vector in China's cultural and institutional transformation (Carvalho 2017).

Therefore, while the Rule of Law in China still faces significant challenges related to separation of powers, judicial autonomy, and protection of fundamental rights, it is undeniable that the country has implemented substantial changes in its normative and institutional framework. These transformations reflect not only external pressures from globalization and international commitments, but also an internal strategy to strengthen state capacity and modernize governance (Choukroune 2012; Lawrence and Patterson 2018; Dan 2008).

Accordingly, the next section will closely examine this transformative process by analyzing how the commitments made under the WTO framework have impacted Chinese law across multiple dimensions. It will explore the extent to which China's integration into the global economic order has contributed to the consolidation of a more formalized and functional legal governance system—and how this evolution coexists or clashes with the political centrality of the Chinese Communist Party in controlling state institutions.

3. The WTO as a Legal Catalyst: Legal Restructuring and International Pressures in China

China's accession to the World Trade Organization (WTO) in 2001 marked a crucial turning point not only in its full integration into the multilateral trading system but also in the transformation of its domestic legal framework. The accession process, which lasted over a decade, resulted in extensive and detailed commitments compiled into a protocol exceeding 900 pages—one of the most demanding in the organization's history (Peres and Daibert 2015; Choukroune 2012).

According to Dan (2008), China's accession protocol included fundamental obligations aimed at aligning its legal practices with the liberal international order. These included: (a) the uniform, rational, and impartial application of laws and regulations governing trade in goods and services; (b) the creation of administrative and judicial review mechanisms for trade-related decisions; (c) the promotion of regulatory transparency, requiring the prior publication of applicable norms; and (d) the implementation of independent judicial reviews. Although framed in the language of international trade, these requirements led to profound institutional and legal transformations within China.

As highlighted by Peres and Daibert (2015), and Choukroune (2012), China's commitments extended beyond tariff liberalization and market opening. They required the construction of a modern and more predictable legal infrastructure. This included the adoption of core principles of free trade, most-favored-nation (MFN) treatment, national treatment, and regulatory transparency—foundational concepts of both the General Agreement on Tariffs and Trade (GATT/47) and the WTO system.

However, since joining the organization, various WTO members have raised concerns about China's compliance with these commitments. Countries such as Switzerland, Norway, Japan, the United States, and EU member states have denounced the persistence of discriminatory practices and the Chinese state's interventionist role in the economy—mainly through subsidies, state-owned enterprises, and non-tariff barriers. In response, China pledged to gradually eliminate regulations incompatible with WTO guidelines, strengthen its national legal system, and limit the regulatory autonomy of local governments, which were frequently cited as sources of distortion in rule implementation (Peres and Daibert 2015; Gao 2020).

Despite these formal commitments, the concrete application of legal norms remains a challenge. The predominance of the Chinese Communist Party (CCP) over all branches of power limits judicial autonomy and restricts the development of a Rule of Law as traditionally understood in the West (Peerenboom 2002). Instead of institutional independence, what prevails is an instrumental legal rationality focused on stability and economic development rather than protection of right (Zhang 2013).

Even so, it is undeniable that WTO accession acted as a catalyst for significant legal reforms. Within ten years of joining, over two thousand regulatory acts were revised, amended, or repealed to align with multilateral standards. Additionally, there were advancements in the public disclosure of legal acts through online portals, printed materials, and official dissemination

channels, which improved predictability and legal certainty for foreign investors (Choukroune 2012; Peres and Daibert 2015).

From an economic perspective, the results were substantial: China experienced rapid GDP growth, increased trade flows, and deeper integration into global value chains. Part of this growth can be attributed to a law-based regulatory system that enabled greater investment attraction and the rationalization of productive activities, including the shift of underutilized labor from agriculture to the industrial and service sectors (Zhou 2015).

Thus, WTO accession can be viewed as a dual milestone: on one hand, it signaled China's openness to the international system of rules and institutions; on the other, it triggered internal reforms that, although selective and pragmatic, reinforced the foundations of a legal system oriented toward legality and predictability. Ultimately, as Peerenboom (2002) and Gao (2020) emphasize, China's commitment to the WTO reflects a broader political rationality aimed at reconciling the imperatives of economic development with the maintenance of political stability and party control.

Therefore, the analysis of China's accession to the WTO reveals both the transformative potential of law in authoritarian contexts and the constraints imposed by a highly centralized power structure. While integration into the multilateral system promoted significant reforms in favor of legality, transparency, and predictability, these changes were carefully calibrated to preserve the primacy of the Chinese Communist Party. It is in light of this duality that the next section focuses on Xi Jinping's government, analyzing how his leadership has shaped the possible paths toward the consolidation of the Rule of Law in contemporary China.

4. Legal Governance under Xi Jinping: Normative Expansion and Reinforcement of Political Control

With Xi Jinping's rise to the leadership of the Chinese Communist Party (CCP) in 2012, the notion of "law-based governance" was elevated to a strategic priority and integrated into the so-called "Four Comprehensives" guiding his administration. The stated goal was to consolidate a modern legal system capable of sustaining social stability and strengthening public trust in state institutions (Carvalho 2022). Beginning with the Fourth Plenary Session of the 18th Central Committee in 2014, the concept of a "Rule of Law with Chinese Characteristics" became the normative axis of the country's

institutional development, combining elements of Legalist tradition with the political hegemony of the Party (Peerenboom 2014).

However, this formulation carries a structural tension. Although important reforms have been implemented in the judicial and regulatory spheres, China's legal system remains directly subordinated to the control of the CCP. The Central Political and Legal Affairs Commission, responsible for overseeing the judiciary, continues to wield decisive influence over sensitive decisions—particularly in politically charged cases. As Hualing Fu (2016 *apud* Li, 2016) notes, the emphasis on "government constitution" over "state constitution" highlights an instrumental approach to law aimed at consolidating Party authority (Li 2016).

Despite these limitations, Xi Jinping's administration has promoted relevant institutional reforms. Between 2014 and 2016, pilot projects were launched to modernize the judicial system, focusing on the rationalization of judicial functions and the introduction of accountability mechanisms for judges. Judges' performance began to be evaluated individually over the course of their careers, creating incentives for cautious rulings, though also increasing the risk of self-censorship. Another significant measure was the centralization of budget and human resources control at the provincial court level, diminishing local government influence in order to reduce judicial capture by regional elites and reinforce central authority (Li 2016; Wu and Li 2017).

Simultaneously, there was a reconfiguration of the relationship between the Party and the judiciary. Institutional reforms sought to limit the direct control of Local Political and Legal Affairs Committees over the courts, granting greater technical autonomy to the judiciary in non-politically sensitive matters (He 2017). As Horsley (2019) points out, there were notable advances in administrative law and regulatory systematization in civil and commercial areas, culminating in the promulgation of China's first Civil Code in 2020—a significant milestone in legislative unification and the rationalization of private law (Carvalho 2020; Horsley 2019).

The official discourse began to emphasize respect for the Constitution and equality before the law. Xi Jinping publicly reiterated that "no one is above the law," including Party members (Horsley 2019). However, this statement must be understood within the framework of the Rule of Law with Chinese Characteristics, where law is conceived as a tool for achieving Party objectives rather than as a system designed to restrain its power (Peerenboom 2014; Horsley 2019).

One of the central pillars of Xi's governance has been the internal regulation of the Party itself. Since 2012, the number of Party regulations

has increased significantly, covering everything from ideological conduct to disciplinary provisions. This normative expansion seeks to consolidate internal power, reinforce hierarchy, and curb corruption. However, this regulation has not translated into greater public accountability: the CCP remains immune to ordinary judicial jurisdiction, and infractions are handled exclusively within Party disciplinary commissions (Horsley 2019; Quintanilla 2020).

The legal governance project is also expressed through selective transparency initiatives, such as partial publication of judicial decisions, expanded access to public information, and the digitalization of legal processes. Still, information control and censorship of sensitive content continue to prevail, limiting the emancipatory potential of these policies (Fang 2018; Horsley 2019).

China's leadership promotes a distinct conception of the Rule of Law, consolidated under the formula "socialist rule of law with Chinese characteristics." This concept incorporates elements of Marxism-Leninism, Legalist tradition, and Confucian influences, and reflects the premise that law must serve the Party's political objectives rather than have autonomous value (Rudolf 2021).

In this sense, "Xi Jinping Thought on the Rule of Law" was incorporated into China's first Five-Year Plan for the Rule of Law (2020–2025), which aims to structure a cohesive legal system under the CCP's centralized leadership. The plan sets the goal of fully consolidating such a system by 2035 and explicitly rejects pillars of the Western model, such as separation of powers and judicial independence, which are deemed "erroneous Western concepts" (Rudolf 2021).

Another notable aspect of the Chinese approach is the intensification of digital technology use in the legal field. The government has invested in court informatization, the creation of virtual courts, and tools such as the social credit system. These technologies aim to increase efficiency and reduce arbitrariness in law enforcement—without limiting Party power. In this context, technology is presented as an authoritarian alternative to separation of powers, based on a supposed algorithmic objectivity (Rudolf 2021).

On the international stage, China has sought to export its conception of the Rule of Law by promoting regulatory reforms in multilateral organizations, expanding its legal presence through the Belt and Road Initiative (BRI), and establishing its own arbitration and legal cooperation mechanisms. This effort aims to redefine international legal standards through a logic that privileges state sovereignty over individual rights. For policymakers in Europe and other democracies, understanding this approach is essential to strategically respond to the institutional challenges posed by China's rise (Rudolf 2021).

More recently, according to data from "China2Brazil" (2025), China has invested in rebuilding market trust by strengthening the Rule of Law and

replacing implicit barriers with clear norms. The new Foreign Investment Law abolished the dual treatment model for domestic and foreign enterprises, instituting the principle of "pre-establishment national treatment" and a "negative list," thereby reducing bureaucracy and enhancing legal parity. In 2024, this list was reduced from 31 to 29 sectors (China2Brazil 2025).

There have also been significant advances in intellectual property protection. With the creation of specialized courts and the fourth revision of the Patent Law, penalties for willful violations can now reach up to RMB 5 million, with exemplary punishment applied. In 2024 alone, Chinese courts adjudicated 8,252 new cases involving foreign companies, reinforcing the country's image of commitment to justice and legal security.

In the same year, Shanghai inaugurated the country's first Intellectual Property Prosecutor's Office, reducing by 40% the time required to initiate criminal actions related to trade secrets—further boosting foreign investor confidence (China2Brazil 2025).

It is also worth noting that free trade zones have been used as regulatory laboratories. In Shanghai, provisions of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), such as neutrality in government procurement, are being tested. In Hainan, a system based on a negative list and security assessments for cross-border data transfers is in place. These initiatives indicate growing convergence between China's legal system and international regulatory standards, demonstrating an official commitment to regulated and predictable market openness (China2Brazil 2025).

In summary, although the Xi Jinping administration has promoted significant advances in the technical professionalization of the legal system, the political instrumentalization of law remains a foundational element. The coexistence of a sophisticated normative apparatus with persistent authoritarian control reveals the ambivalences of the Chinese model. The tension between institutional modernization and Party centralization thus constitutes the core paradox of legal governance in contemporary China (Horsley 2019; Human Rights Watch 2021; Rudolf 2021).

5. Final Considerations: Legality in Dispute in Contemporary China

This article aimed to analyze the development of the Rule of Law in China, focusing on its economic dimension and the transformations promoted under the leadership of Xi Jinping. To achieve this goal, the analysis was structured

around four major thematic axes: (i) the concept of the Rule of Law and its international projection; (ii) its application in the Chinese context; (iii) the impacts of China's accession to the World Trade Organization (WTO); and (iv) the main advances and challenges faced in the effort to consolidate a law-based governance system, especially in the current political landscape.

Throughout the research, it was demonstrated that, following the economic opening initiated in the late 20th century and the intensification of external engagement, China began to incorporate international legal practices as part of its modernization strategy. Among these, law-based regulation emerged as a central element of institutional reliability—both for its citizens and global commercial partners. In the context of economic globalization, the Rule of Law has become necessary not only as an internal mechanism for organization and justice but also as a condition for the secure and transparent operation of external economic relations.

In this regard, China's accession to the WTO in 2001 was a decisive milestone in this trajectory. As a condition for joining the organization, China was compelled to revise numerous legal norms, revoke laws incompatible with free market principles, restrict provincial powers over commercial law, and establish more transparent review and oversight mechanisms. These adjustments directly contributed to strengthening a more technical, predictable, and functional legal system—particularly in economic and regulatory domains—as analyzed in this study.

However, as discussed in the second section, this movement toward international standards did not imply a full adoption of the Western liberal model of the Rule of Law. China's legal tradition, strongly influenced by philosophical schools such as Confucianism—which emphasizes order, morality, and authority—and Legalism—which values obedience to law as a tool for social control—has resulted in a distinct conception of legality. Added to this is the institutional legacy of the 1949 Revolution, which established the central role of the Chinese Communist Party (CCP) as the supreme organ of political and legal authority. In this context, it can be inferred that the Chinese model aligns more closely with the idea of *rule by law*, in which law is used as a tool of governance and order maintenance, rather than as an autonomous limit on political power.

Although the Chinese judiciary has undergone significant structural improvements—such as increased specialization, process digitalization, and broader access to justice—its functioning remains subordinated to the CCP. The lack of full judicial independence, internal party accountability channels outside the state legal system, and the persistence of extrajudicial practices

in suppressing dissent reflect the limitations of legal institutionalization in a centralized political system.

Under Xi Jinping's leadership, as discussed in the fourth section, this process of institutionalization was simultaneously deepened and tightly controlled. Xi advanced an ambitious legal reform agenda, including the enactment of China's first Civil Code, the reorganization of the judicial system, the intensification of anti-corruption efforts, and the creation of judicial accountability mechanisms—even if experimental in nature. There was also progress in court debureaucratization and in the transparency of regulatory acts.

These initiatives reflect an attempt to build a more efficient legal system, aligned with internal demands for justice and external demands for predictability and institutional integrity.

However, these reforms were implemented within the constraints of the political regime's structure. The strengthening of party discipline—through intra-party regulation and the expansion of control committees—demonstrates that the CCP seeks to preserve its supremacy despite increasing institutional complexity. The tension between political control and legal professionalization remains one of the greatest challenges of contemporary China.

Based on the analysis developed, it can be concluded that the development of the Rule of Law in China is a gradual, hybrid process, deeply conditioned by historical, cultural, and political factors. It is a functional legal order, technically sophisticated and continuously expanding, but still subordinated to the logic of power centralization. While it does not represent a Rule of Law in the Western mold, the institutional advances observed in recent decades—driven by both global market demands and domestic interests in stability—indicate a trend toward the strengthening of legality as a pillar of governance.

Finally, it can be stated that China is moving toward the consolidation of a more structured, complex, and predictable legal order, although still marked by substantial limitations regarding the separation of powers and the protection of fundamental rights. The effectiveness and legitimacy of this model in the coming years will depend on the Chinese regime's ability to reconcile political centralization with internal and external pressures. The future of the Rule of Law in China, therefore, remains open—situated in the ongoing tension between tradition, modernization, and political control.

In light of this, space opens for future studies to more deeply explore the international ramifications of Chinese legal rationality—especially its impact on the formulation of alternative legal standards and global normative disputes. The consolidation of the "Rule of Law with Chinese Characteristics"

is not limited to the domestic sphere but represents a normative proposal that challenges the foundations of liberal constitutionalism and influences the institutional design of partner countries. Thus, China emerges not only as a subject of comparative analysis but as an active agent in constructing new transnational legal architectures.

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AUTONOMY THROUGH RECONSTRUCTION: THE FOREIGN POLICY OF THE THIRD LULA ADMINISTRATION

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Abstract

The article analyzes the foreign policy of the third Lula administration based on the concept of "autonomy through reconstruction," which expresses the effort to rebuild foreign policy after Bolsonaro and reform a changing international order. This reconstruction occurs on two levels: internally, with the restoration of a foreign policy committed to democracy; and externally, with a proactive and reformist approach to issues such as climate, social inclusion, and global governance. This occurs through decisive action in preferential forums such as the G20, BRICS, and COP30. With an identity marked by internal democratic reconstruction, the defense of democracy in the global order, and the defense of a reformed multilateral order, the model of "autonomy through reconstruction" combines selective engagement and pragmatic rapprochement with key actors such as Germany, France, and China. Its principles include diplomatic flexibility, strategic prudence, and a commitment to democratic and climate values. The article also acknowledges the limits of this strategy, marked by regional dilemmas and challenges in relation to the major powers.

Keywords: Foreign policy. Autonomy. Democracy. Multilateralism. Climate.

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AUTONOMIA PELA RECONSTRUÇÃO: A POLÍTICA EXTERNA DO GOVERNO LULA III

Resumo

O artigo analisa a política externa do governo Lula III com base no conceito de "autonomia pela reconstrução", que expressa o esforço de reconstruir a política externa pós-Bolsonaro e reformar a ordem internacional em transição. Essa reconstrução ocorre em dois planos: internamente, com a recomposição de uma política externa comprometida com a democracia; e externamente, com uma inserção propositiva e reformista em temas como clima, inclusão social e governança global. Isso ocorre por meio da atuação decisiva em fóruns preferenciais como G20, BRICS e COP30. Com uma identidade marcada pela reconstrução democrática interna, pela defesa da democracia na ordem global e pela defesa de uma ordem multilateral reformada, o modelo da "autonomia pela reconstrução" combina engajamento seletivo e reaproximação pragmática com atores centrais como Alemanha, França e China. Seus princípios incluem flexibilidade diplomática, prudência estratégica e compromisso com valores democráticos e climáticos. O artigo também reconhece os limites dessa estratégia, marcada por dilemas regionais e desafios frente às grandes potências.

Palavras-chave: Política externa. Autonomia. Democracia. Multilateralismo. Clima.

AUTONOMÍA PARA LA RECONSTRUCCIÓN: LA POLÍTICA EXTERIOR DEL GOBIERNO DE LULA III

Resumen

El artículo analiza la política exterior del gobierno Lula III basándose en el concepto de «autonomía por la reconstrucción», que expresa el empeño por reconstruir la política exterior posterior a Bolsonaro y reformar el orden internacional en transición. Esta reconstrucción se produce en dos planos: internamente, con la recomposición de una política exterior comprometida con la democracia; y externamente, con una inserción propositiva y reformista en temas como el clima, la inclusión social y la gobernanza global. Esto se lleva a cabo mediante una actuación decisiva en foros preferenciales como el G20, el BRICS y la COP30. Con una identidad marcada por la reconstrucción democrática interna, la defensa de la democracia en el orden global y la defensa de un orden multilateral reformado, el modelo de «autonomía por la reconstrucción» combina el compromiso selectivo y el acercamiento pragmático con actores centrales como Alemania, Francia y China. Sus principios incluyen la flexibilidad diplomática, la prudencia estratégica y el compromiso con los valores democráticos y climáticos. El artículo también reconoce los límites de esta estrategia, marcada por dilemas regionales y desafíos frente a las grandes potencias.

Palabras clave: Política exterior. Autonomía. Democracia. Multilateralismo. Clima.

Introduction

The Lula III administration (2023–) is operating in one of the most challenging contexts in recent Brazilian diplomatic history. Domestically, foreign policy has become a constant target of organized opposition that uses it as a tool for political attacks with electoral purposes. Unlike in previous periods when there was a general consensus about the importance of Brazil's international actions, foreign policy has become politicized to an unprecedented degree, becoming a subject of internal ideological disputes. Lula III is succeeding a Bolsonaro administration (2019–2022) that isolated Brazil and discredited foreign policy as a means for the country to gain international recognition.

The situation is equally adverse internationally. The multiple crises affecting the international system—from the growing rivalry between the United States and China to the paralysis of multilateral institutions and the climate emergency—are jeopardizing the reconstruction of foreign policy after Bolsonaro. The benefits of liberal globalization, when the country could expand its international presence in a more cooperative and predictable environment, no longer exist. The current international order is marked by splintering, volatility, and a reconfiguration of alliances. This requires Brazil to adopt a more selective, pragmatic, and adaptive foreign policy amid unprecedented internal polarization.

In this difficult and uncertain context, the idea of autonomy in Brazilian foreign policy inevitably returns to the center of the debate. In a fragmented international scenario, where traditional multilateralism is weakening and rivalry between major powers is intensifying, autonomy is no longer just an abstract principle but once again a strategy that needs to be constantly redefined. This raises the question of not only whether Brazil should maintain its autonomy, but also what kind of autonomy it should seek—and in the service of which national and international projects it should be mobilized.

In this scenario, Lula III's foreign policy does not operate with the stability of a consolidated paradigm, but rather in the midst of competing models, which has required cautious choices, reaffirmed principles, and flexible strategies, not always achieved successfully. In this context, autonomy becomes more than ever a field of flexible reconstruction rather than a repetition of the past.

In view of this, it is important to develop a conceptual framework that Will interpret Brazil's current international strategy. We suggest the concept of *autonomy through reconstruction*, which seeks to reposition Brazil in the face of two profound and simultaneous transformations. The first is internal:

overcoming the diplomatic isolation and institutional erosion promoted by the Bolsonaro administration, during which the country aligned itself with a "reactionary international" (Donald Trump, Viktor Orbán, and Benjamin Netanyahu) and abandoned historical principles such as the defense of multilateralism and the diversification of partnerships. The second is external: building an international alliance of democracies and reforming an international system marked by growing rivalry between the US and China, the progressive collapse of the post-1945 liberal order, and the climate and energy crises.

This concept encapsulates the selective nature of the current foreign policy. By rebuilding Brazil's image on the international stage, it seeks to reposition the country as a normative leader on issues such as climate and democracy. It aims to resume multilateral engagement without subordinating itself to any axis of power or external influence. The reconstruction is multifaceted: shifting from the near diplomatic rupture under the Bolsonaro administration to proactive international engagement; transitioning from a liberal order in crisis to an international architecture undergoing reconfiguration; and evolving from a system centered on liberal globalization to one marked by the dispute over economic models and the environmental crisis.

Thus, on the one hand, *autonomy through reconstruction* is exercised as an instrument to reposition Brazil in the major global agendas undergoing transformation—climate, energy, technology, and geopolitics—and, on the other hand, as a tool to assert a normative place in a world increasingly polarized between democracies and illiberal forces. The defense of reformed multilateralism and democracy as a political regime, the latter somewhat unusual in Brazilian diplomatic tradition, appear side by side in Lula III's foreign policy. Pressured by Bolsonaro's rise within Brazil and by far-right forces in the Western world that weaken international institutions, the Lula administration has made the defense of democracy one of its cornerstones, even though this has been fraught with contradictions.

This approach, which is marked by democratic reconstruction and the defense of a reformed multilateral order, seeks to restore the country's external credibility without rigidly repeating previous models. Its *strategy* involves selective engagement with multilateral initiatives of high symbolic value to Brazil, combining initiatives such as BRICS, G20, and COP30, as well as pragmatic rapprochement with key players such as Europe, China, and the Global South. The guiding *principles* of this model include diplomatic flexibility, institutional reconstruction, commitment to democratic and climate values, as well as strategic prudence in the face of the growing fragmentation of the global order. It is, therefore, a relational and adaptive autonomy that recognizes the

limits of the international context and proposes gradual transitions towards the revaluation of multilateralism and Brazil's active insertion.

This article discusses the concept of *autonomy through reconstruction* in Lula III's foreign policy, emphasizing domestic and international changes, as well as three central aspects of PEB (*política externa brasileira*—Brazilian foreign policy) autonomy: autonomous identity built by the current government, strategic choices, and the principles guiding the country's international action. The first part of the article discusses how the PEB has been autonomous in various ways throughout the 20th century. The second part addresses the proposed model of autonomy through reconstruction, along with its perspectives, expectations, limitations, and contradictions. Finally, the concept is analyzed in light of the PEB's tradition of autonomy.

1. The many autonomies of the PEB

In recent decades, the notion of autonomy has played a pivotal role in the strategic development of foreign policy in countries such as Brazil. Autonomy is used both in rigorous academic debates and as a pillar in the formulation of concrete political doctrines that guide specific foreign policies. From a theoretical point of view, the initial conceptions of autonomy derived from realist approaches and dependency theory (Jaguaribe 1979, Puig 1980, Escudé 1992, Harknett and Yalcin 2012). More recently, however, the concept has been reformulated in relational terms (Russell and Tokatlian 2003), which emphasizes that autonomy is not merely a rejection of external control; rather, it is rooted in national self-images and the mutual construction of roles within the international system.

In the case of Brazil, Spektor (2014) begins with the idea that the country's foreign policy has been guided by an international integration project for over five decades, with the aim of building a national capitalism protected from the asymmetries of the global system. According to the author, the autonomist project does not reject global capitalism, but rather seeks to operate within it with a minimum degree of subordination. To this end, the project proposes strategies such as balancing power, diversifying partnerships, forming coalitions, strategically distancing itself from the US, and striving for membership in global decision-making bodies.

Spektor (2014) shows that autonomism is not only a rational strategy for maximizing gains but also an "identity project" based on deeply held ideas about Brazil's role in the world. Belief in Brazil's exceptionalism, a

sense of peripheral connection to the West, and the desire for international recognition influence the available policy options and help explain why the project has endured through periods of ideological and partisan change. Thus, a contemporary autonomous foreign policy should be understood as the result of a dynamic interaction between fundamental principles, strategic choices, and identity formation processes.

The study of Brazilian foreign policy autonomy must therefore always emphasize this continuous and contingent condition of autonomy. The historiography of Brazilian foreign policy shows that there are at least three dominant models of autonomy: autonomy through distance, shown under the Ernesto Geisel administration (1975–1979); autonomy through participation, seen under the Fernando Henrique Cardoso administration (1995–2002); and autonomy through diversification, demonstrated during the Lula administration (2003–2010). Each of these models responded to distinct historical and systemic conditions, reflecting the dilemmas of Brazil's international integration, its material capabilities, and its long-term normative projects.

The first model, autonomy through distance, prevailed in the 1970s, especially during the Geisel administration (1974–1979). It reflected a logic of distance from the major powers, especially the United States, and valued a national development project based on industrial policies, import substitution, and expanded decision-making sovereignty. Autonomy was understood as the ability to make decisions without external intervention, implying a certain distancing from multilateral institutions that could impose conditions on development. This strategy affirmed national sovereignty on issues such as nuclear policy and rapprochement with the Third World, but it had limitations given the growing global interdependence and the difficulty to influence international norms (Fonseca Jr. 1998).

Following redemocratization and the consolidation of the post-Cold War liberal order, a second paradigm emerged: autonomy through participation (Fonseca Jr. 1998), later refined as autonomy through integration (Vigevani *et al.* 2003), adopted by the Fernando Henrique Cardoso administration (1995–2002). Brazil maintained historical principles such as pacifism and universalism, but began to value active participation in international regimes to expand its normative influence. Joining the World Trade Organization (WTO), acceding to the Nuclear Non-Proliferation Treaty (NPT), and consolidating the Southern Common Market (MERCOSUR) are examples of this stance. The idea was that the country could protect its interests by participating in the formulation of rules, even with relatively less power. However, the model

proved to be limited in the face of persistent power asymmetries and was criticized for reflecting an excessively adaptive stance to the liberal mainstream.

In response, the Lula I and II administrations (2003–2010) developed autonomy through diversification, maintaining multilateralism but also expanding partnerships through South-South coalitions (Vigevani and Cepaluni 2007). Brazil sought to reduce vulnerabilities and gain room for maneuver in an asymmetric system, bringing initiatives such as IBSA, the G20 trade group, and UNASUR. Despite its symbolic success, this model faced obstacles, such as the lack of robust institutionality in Southern partnerships, internal difficulties, and the worsening of the global scenario.

The foreign policy of the Jair Bolsonaro administration (2019–2022) represented a significant shift from Brazil's tradition of seeking "autonomy" as the cornerstone of the country's international actions. Unlike classic formulations of Brazilian foreign policy, the Bolsonaro administration was not guided by any systematic notion of autonomy. Instead, it adopted an approach guided by ultra-conservative values, personal alignment with foreign leaders, and active distrust of multilateral institutions (Guimarães and Silva 2021, Guimarães *et al.* 2023).

Under Bolsonaro, foreign policy was built on what Guimarães and Silva (2021) called a "deep conservative identity" aligned with three national roles: anti-globalism, sovereign nationalism, and friend/enemy rhetoric on the international level. This vision did not seek to preserve the country's autonomy, but rather to align it with a presumably "reactionary international," led by figures such as Donald Trump, Viktor Orbán, and Benjamin Netanyahu. Saraiva and Albuquerque (2022) argue that Bolsonaro's foreign policy not only ignored the tradition of "autonomy" as a historical guideline, but actively worked to dismantle it, promoting a kind of "deinstitutionalization" of diplomacy.

As a result, Brazil suffered profound international isolation. Aggressive rhetoric and environmental denial led to clashes with European countries, stalled trade negotiations such as the MERCOSUR–European Union agreement, and undermined Brazil's credibility in multilateral forums. Even with a few tactical alignments with authoritarian regimes (such as Hungary and Israel), the country lost its ability to engage in dialogue.

In light of historical models of PEB autonomy, the Bolsonaro administration abandoned the idea of autonomy as a value and strategy. Instead, a logic of transnational conservative ideological identity was established. Its foreign policy was not autonomous, but rather dependent on a conspiratorial and personalistic worldview. In contrast, previous governments—even with

different orientations—always tried to preserve a certain degree of strategic maneuvering for Brazil in the international system.

The state of affairs began to change with Lula's election in 2022. In articles written shortly after the elections, Maria Regina Soares de Lima (2024) and Dawisson Belém Lopes (2024) concur in diagnosing Lula III's Brazilian foreign policy as a deliberate effort at reconstruction after the rupture promoted by the Bolsonaro administration. Both authors emphasize that Lula III's foreign policy cannot be read merely as a mechanical continuation of previous PT governments, nor as a simple reversal of Bolsonaro's orientation. Rather, it emerges as a dialectical response to the "bolsonarist antithesis," incorporating elements from the past but reformulated in light of new domestic and international challenges.

2. Autonomy through reconstruction

The current Lula III administration (2023–) operates in a challenging context. Rivalry between the United States and China, the weakening of multilateral institutions (such as the UN and the WTO), the fragmentation of the international system into spheres of influence, and the emergence of the climate agenda as a structuring axis of the global order pose new challenges for Brazilian foreign policy. At the same time, the Lula administration inherited a disarticulated diplomacy, a weakened international image, and an institutional base that was eroded by the previous administration. To make matters worse, foreign policy has become an electoral arena, with the opposition strongly represented in Congress when it comes to international issues. This environment has required not only a return to the tradition of autonomy, but also its reconstruction in light of recent systemic and domestic transformations, with varying degrees of success.

It is important to highlight that the analysis of historical models of autonomy in Brazilian foreign policy has always revealed a trajectory of strategic adaptation to different phases of the international system, marked by tensions between sovereignty, influence, and integration. The originality of the current moment lies precisely in the need to maintain the tradition of autonomy in a scenario where classic instruments—institutional participation, diversification of partners, or strategic distancing—are no longer sufficient on their own. *Autonomy through reconstruction* points to a foreign policy that recognizes uncertainty as a structural condition and seeks to transform the

fluidity of the present into opportunities to reconfigure Brazil's role in the world.

As previously stated, *autonomy through reconstruction* demonstrates the dual and hybrid nature of Brazilian foreign policy under the Lula III administration. Following the isolation of the Bolsonaro administration, which abandoned historical principles such as multilateralism, non-intervention, and diversity of partnerships, Brazilian diplomacy has turned its attention to rebuilding bridges, credibility, and leadership. This reconstruction has been selective and pragmatic: it focuses on agendas with high symbolic and political potential—such as climate leadership in the Amazon, the organization of the G20 in 2024, and the presidencies of BRICS and COP30 in 2025—while observing the limits of regional leadership and the difficulty of repositioning Brazil in its surroundings.

Almost three years into the administration, it is possible to say that much of the effort to rebuild Brazilian foreign policy domestically—in the sense of restoring institutions, reversing setbacks, and reconfiguring guidelines—has already been accomplished. Similarly, the country has achieved partial success in reconnecting with its traditional partners and projecting a more stable, predictable international image that is aligned with democratic values.

However, this is still an ongoing process marked by tensions and uncertainties. The continued presence of Bolsonarism as a relevant political force—influencing both internal debates and transnational far-right networks—prevents the full completion of the foreign policy reconstruction cycle. The clearest expression of this incompleteness is the Lula administration's ongoing attempt to articulate a broad international front of progressives and democrats, notably in Europe (Germany, France, and Spain) and Latin America (Chile and Colombia). As will be seen below, this alliance aims not only to defend the institutional foundations of the democratic regime, but also to function as a preventive barrier or antidote against possible authoritarian advances, reinforcing democratic resilience in the face of the persistent threat from the far right.

At the international level, reform of the global order is even further from concrete achievement. Despite Brazil's speeches and diplomatic efforts in forums such as the G20, BRICS, and COPs, effective progress has been limited. The reality is that Brazil does not have the capacity to reform the structures of the international system on its own. Even so, the strategy of *autonomy through reconstruction* is based on a proactive repositioning of the country, with greater ambitions and willingness to actively contribute to a more multipolar, balanced, and representative order. Here, countries such as

China, Russia, and India are the preferred partners within BRICS. Although this effort depends on exogenous factors and the correlation of international forces, it has been central to repositioning Brazil as a relevant and influential actor on the paths of global governance. But how has this strategy been working in practice?

The document "Climate and International Strategy: New Directions for Brazil," published in November 2022, just before President Lula took office and the result of the foreign policy core of the government transition team, was the first sign of a major shift in Brazilian foreign policy as it proposed that the climate agenda should no longer be a sectoral issue, but rather occupy a cross-cutting position in the country's international integration strategy.

Drafted by experts and launched at COP27, the text served as a charter of principles that sought to guide Brazil's return to prominence in global issues through a new model of sustainable and inclusive development. This ambitious proposal placed central importance on multilateralism, South-South cooperation, and the construction of thematic coalitions led by the Global South, such as the suggested Brazil-Indonesia-Congo alliance on tropical forests. The text also indicated ways to rebuild international trust, advocating a vision of revaluing regional arrangements, such as UNASUR and ACTO (Amazon Cooperation Treaty Organization).

However, the concrete implementation of foreign policy showed that the document had important fragile aspects. By proposing a broad and virtuous convergence between climate, development, and democracy, it ended up underestimating the structural dilemmas of Brazilian foreign policy. Nor could it foresee the institutional and operational challenges of implementing this agenda amid interministerial struggles for leadership on climate issues (Poder 360 2023). In short, it was a normatively innovative document that launched the diplomatic cycle of the Lula III administration with strategic depth and sensitivity to the demands of the 21st century, but its effectiveness depended on overcoming internal and international contradictions that were still present.

As President Lula stated in his first international speech at COP27, "Brazil is back on the world stage" (Lula da Silva 2022). The resumption of leadership roles in platforms such as the G20, COP30, and BRICS would indicate a diplomacy that sought to place Brazil back at the center of major multilateral agendas, connecting sustainable development, social inclusion, and democratic stability. The successful organization of the G20 Brazil and the launch of the Global Alliance Against Hunger and Poverty (Lula da Silva 2024), the international mobilization for the Amazon's protection with

the reconstruction of ACTO (Brazil. Ministry of Foreign Affairs 2023), the organization of the BRICS summit, and the defense of multilateral regulation of artificial intelligence[2] were concrete examples of this symbolic and engaged diplomacy, which combined the universalist tradition of Brazilian foreign policy with highly symbolic themes that could quickly restore the country's credibility.

The Lula administration also pursued a strategic realignment with Beijing, marked by high-level visits and expanded cooperation in trade, energy, digital transition, and infrastructure. In this context, Brazil sought a partnership with China that was structural but not subordinate—while maintaining its scope for autonomous action in other forums, such as the G20 and BRICS. Lula met with President Xi Jinping three times during this period and launched dozens of joint initiatives. On the other hand, the government rejected joining the Silk Road, arguing that the gains pointed out by Beijing were not attractive enough to outweigh the possible costs associated with American retaliation.[3]

This strategy was also evident in the revaluation of partnerships with European countries, especially in the context of the MERCOSUR–European Union Agreement negotiations, which have been protracted and are still unresolved. By resuming this dialogue with renewed emphasis, Brazil signaled its search for international integration that would avoid automatic alignment with any of the major powers, using closer ties with Europe as a means of escaping the binary choice imposed by the growing rivalry between the United States and China. It has been an attempt at strategic diversification that reinforces Brazilian autonomy by betting on a cooperation agenda based on values shared with Europeans, such as sustainability, multilateralism, and democracy.[4]

2 The final declaration of the G20 summit, held in November 2024 in Rio de Janeiro, included explicit commitments on AI regulation. G20, *Declaração de Líderes do G20—Rio de Janeiro, November 18–19, 2024* (Brasília: Presidência da República, 2024). https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/g20-rio-de-janeiro-leaders-em-portugues.pdf.

3 Although the Brazilian government did not formally join the initiative, it sought to establish "synergies" between national programs, such as the Growth Acceleration Program (PAC), the Ecological Transformation Plan, New Industry Brazil (NIB), and the South American Integration Routes, with the Chinese initiative. This approach aims to take advantage of opportunities for cooperation and investment without compromising the country's strategic neutrality. Débora Bergamasco, *Brasil rejeita Nova Rota da Seda, mas fala em sinergias com projeto chinês*, CNN Brazil, October 23, 2023, https://www.cnnbrasil.com.br/blogs/debora-bergamasco/politica/brasil-rejeita-nova-rota-da-seda-mas-fala-em-sinergias-com-projeto-chines.

4 A spokesperson for the European Union stated that reaching a trade agreement with MERCOSUR represents a "great opportunity" for the European bloc, especially given the uncertainties caused by the imposition of new tariffs by the United States. See: "*Acordo comercial com o MERCOSUL é oportunidade com tarifas dos EUA, diz EU*," *CNN Brazil, April 4, 2025, https://www.cnnbrasil.com.br/economia/macroeconomia/acordo-comercial-com-o-mercosul-e-oportunidade-com-tarifas-dos-eua-diz-ue/*.

The Ukraine case represented another relevant example of hybrid *autonomy through reconstruction*. The Lula III administration continued the Bolsonaro administration's position by formally condemning the Russian invasion (Brazil. Presidency of the Republic 2023a), but chose not to join the economic sanctions and kept dialogue channels open with Moscow (Brazil. Presidency of the Republic 2023b). This position was criticized by Western sectors as ambiguous or pro-Russia.[5] However, the launch of the Sino-Brazilian initiative in April 2024, a joint proposal of principles for a political solution to the conflict, articulated by Celso Amorim and Wang Yi (Chinese Foreign Minister), brought Brazil into the discussions about the conflict.[6] By rejecting the logic of punishment and proposing negotiated solutions, the Lula administration resumed the pacifist and legalistic tradition of Brazilian diplomacy, but adapted it to a context in which power blocs are realigning and Western hegemony is no longer guaranteed. This stance did not seek to please either Russia or the United States, but rather to insert Brazil as a viable actor in a future diplomatic reconfiguration of the conflict, a position that is still quite uncertain and lacking any concrete results.

In an interview with The New Yorker, Lula reaffirmed a foreign policy marked by active neutrality and a defense of multilateralism as an instrument of peaceful coexistence between nations. His refusal to automatically align Brazil with any of the major powers was clearly demonstrated in the episode involving German Chancellor Olaf Scholz's request for Brazil to supply weapons to Ukraine. "My friend Olaf Scholz was here, he sat on that couch and asked me to sell him missiles to send to Ukraine. I said I wouldn't sell them, with all due respect, because I didn't want any Ukrainians or Russians to die from a Brazilian weapon." Similarly, Lula called Putin and said, "Putin, I think it's time for you to return to politics. End this. The world needs politics, not war. We need you" (Aderson 2025). Both positions are symptomatic of Lula's non-aligned stance.

5 In April 2023, following statements by President Luiz Inácio Lula da Silva during visits to China and the United Arab Emirates, in which he suggested that the United States and the European Union were "encouraging war" by supplying weapons to Ukraine, European Union foreign affairs spokesman Peter Stano responded by stating that "Russia, and only Russia, is responsible for the war" and that "there is no question about who is the aggressor and who is the victim." Cf. "EUA e União Europeia rebatem crítica de Lula à guerra da Ucrânia," *Correio Braziliense*, April 17, 2023, https://www.correiobraziliense.com.br/politica/2023/04/5088103-eua-e-uniao-europeia-rebatem-critica-de-lula-a-guerra-da-ucrania.html.

6 On May 23, 2024, representatives from Brazil and China met in Beijing and released a document entitled "Common Understandings Between China and Brazil on Political Settlement of the Ukraine Crisis." Brazil, Presidency of the Republic, *Brasil e China apresentam proposta conjunta para negociações de paz com participação de Rússia e Ucrânia* (Brasília: Palácio do Planalto, May 23, 2024).

As for the Israeli–Palestinian conflict, Lula III's administration adopted a more assertive stance, aligning itself with international humanitarian law by condemning both Hamas' terrorist attacks and Israel's excessive military response in Gaza (Terra 2023). However, the presidential rhetoric, when comparing Israeli action to genocide in February 2024, provoked a strong international diplomatic reaction and internal polarization[7] (Brun 2024). The decision to join South Africa's case against Israel at the International Court of Justice further reinforced Brazil's engagement with the Palestinian side of the conflict,[8] which positively strengthened Brazil's image among Arab countries.

The regional dimensions of foreign policy revealed the limits of *autonomy through reconstruction*. Brazil faced concrete difficulties in exercising leadership in South America. The failure of the attempt to relaunch UNASUR in 2023 and the ambiguity regarding the Venezuelan crisis highlighted the obstacles to the reconstruction of a cooperative regional order. Brazilian diplomacy adopted an intermediate stance in the case of Venezuela, avoiding both alignment with the Maduro government and adherence to US pressure, but this position proved insufficient in the face of the authoritarian deepening in Caracas and the Essequibo crisis, which placed Brazilian regional security at the center of the agenda.

In this context, the government's attempt to create a broad front against the far right in the region became clear. In January 2025, Lula and Chilean President Gabriel Boric reinforced the importance of preparing a meeting of leaders in defense of democracy, as agreed at the event "In Defense of Democracy: Combating Extremism," held in September 2024, on the sidelines of the 79th United Nations General Assembly in New York (Brazil. Presidency of the Republic 2025a). In February 2025, Lula hosted a dinner for the presidents of Chile, Gabriel Boric, Colombia, Gustavo Petro, and Uruguay, Yamandú Orsi, at the Brazilian embassy in Montevideo, with the aim of "strengthening democracy" (Poder 360 2025). He took part in a

7 In the Chamber of Deputies, Lula's speech sparked intense debate. Opposition lawmakers criticized the president's comparison, calling it inappropriate and offensive. On the other hand, deputies from the ruling coalition defended Lula's speech, arguing that the situation in Gaza constitutes genocide and that Israel's response is disproportionate to attacks by Hamas. Câmara dos Deputados, "Fala do presidente Lula sobre ação de Israel na Faixa de Gaza repercute no Plenário da Câmara" (Brasília: Câmara dos Deputados, February 20, 2024), https://www.camara.leg.br/noticias/1037144-fala-do-presidente-lula-sobre-acao-de-israel-na-faixa-de-gaza-repercute-no-plenario-da-camara.

8 Minister Mauro Vieira published an article in Folha de S. Paulo in January 2024 detailing Brazil's position and highlighting that Brazil's support for South Africa's action aims to protect the Palestinian population, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide. Mauro Vieira, "Brazil, Gaza, and the Trial at the International Court," Folha de S. Paulo (São Paulo), January 20, 2024, https://www.gov.br/mre/pt-br/centrais-de-conteudo/publicacoes/discursos-artigos-e-entrevistas/.

videoconference with the presidents of Chile, Colombia, Uruguay, and Spain, reaffirming his commitment to democracy and the fight against disinformation (Cué 2025).

However, foreign policy also faced the temptation of political alignment in regional electoral disputes. The relationship with Argentine President Javier Milei was emblematic in this regard: deeply deteriorated from the outset due to Milei's aggressive statements,[9] the relationship was further aggravated by the widespread perception in Argentina that the Planalto Palace had supported the arrival of Brazilian electoral strategists to assist the campaign of Sergio Massa, Milei's opponent.[10] A similar episode occurred in Ecuador, where Lula publicly expressed support for Luisa González, a *correísmo* candidate, who was ultimately defeated by Daniel Noboa (Brazil. Presidency of the Republic 2025b).

Although consistent with its commitment to progressive alliances, this sort of involvement revealed the dilemma between autonomy and partisanship in foreign policy. By favoring candidates with greater ideological affinity, the government risked compromising the stability of its bilateral relations and weakening its ability to act as a regional mediator. Such episodes illustrate the limits of *autonomy through reconstruction* when it is torn between normative values and diplomatic realism.

However, the logic behind autonomy through reconstruction became even more evident in the Lula III administration's interpretation of the international political context regarding the defense of democracy, given the rise of ultra-conservative forces. Amorim stated that "there has never been such growth of the far right since 1945," referring to the results of the European elections in which ultra-conservative parties won in France, Italy, and Austria, and placed second in Germany: "The problem with the far right is not just what it can do in power. It is how it already has an impact today, through alliances." Amorim also expressed President Lula's concern about the impact of the conservative wave on the political balance necessary for multilateral agreements, such as the one between MERCOSUR and the

9 *Milei sobre Lula:* "Qual o problema em chamá-lo de corrupto? Ele não foi preso?," *CNN Brazil*, October 17, 2023, https://www.cnnbrasil.com.br/internacional/milei-sobre-lula-qual-o-problema-em-chama-lo-de-corrupto-ele-nao-foi-preso.

10 Based on the available information, there are no records that President Lula sent campaign strategists to Sergio Massa's campaign in Argentina. However, according to a report by Folha de S.Paulo, strategists linked to the PT participated in Massa's campaign, using strategies inspired by the aesthetics of Jair Bolsonaro's campaign to contain Javier Milei's advance. Cf. "Marqueteiros de Lula usam experiência com estética fálica de Bolsonaro para barrar Milei," *Folha de S.Paulo*, São Paulo, October 23, 2023, https://www1.folha.uol.com.br/mundo/2023/10/marqueteiros-de-lula-usam-experiencia-com-estetica-falica-de-bolsonaro-para-barrar-milei.shtml.

European Union. Amorim considered that the rise of the far right placed "a question mark over Brazil's integration" (Chade 2024) and could push the country more clearly into the emerging bloc.

There is no doubt that the global rise of the far right, which is symbolized by the ideological alliance between the MAGA movement in the US and Bolsonarism in Brazil, has brought a new kind of systemic challenge to Brazilian foreign policy: the contamination of domestic politics by foreign policy. Donald Trump's return to the US presidency was seen by Bolsonarists as a way to legitimize their illiberal narratives and became a tool for external pressure against the Lula administration.[11] Even the Federal Supreme Court—especially Justice Alexandre de Moraes—has been targeted by international criticism from figures linked to Trumpism, accused of restricting individual freedoms and curtailing the freedom of expression of certain Brazilian groups (Metrópoles 2025). Looking ahead to 2026, with new presidential elections in Brazil, there is a looming crisis: a direct confrontation between transnational illiberal projects and the ongoing democratic reconstruction in the country. Foreign policy, in this context, has also become a field of electoral dispute, constantly being activated in clashes that mobilize voters.

In this context, Brazilian diplomacy has not limited itself to reacting to the new global political right—it has sought to build its own space, normatively differentiated and geopolitically pluralistic, that defends the importance of democracy. A fundamental dimension of the Lula III administration's foreign policy has been its strategic response to the advance of the extreme right and illiberal forces on the international stage through the creation of alliances between progressive countries. This repositioning process has been materialized especially in partnerships with consolidated liberal democracies, particularly with European countries. The relationship with France has been revalued based on a common agenda on defending democracy, protecting the Amazon, and combating disinformation. Presidents Emmanuel Macron and Lula have been in constant dialogue and coordinate positions in multilateral forums, including initiatives aimed at regulating digital platforms and promoting environmental governance based on social justice and equity (Agência Gov 2025). With Germany, the resumption of the Amazon Fund and the commitments made during Olaf Scholz's administration signal a shared

11 In November 2024, after Trump's victory was confirmed, Eduardo Bolsonaro participated in a celebratory live stream in which he declared that "the world is becoming more conservative" and that this scenario "could be replicated in Brazil." Cf. "Eduardo Bolsonaro diz que vitória de Trump ajuda pai e vê chance de barrar Moraes nos EUA," *Folha de S.Paulo*, São Paulo, November 7, 2024, https://www1.folha.uol.com.br/poder/2024/11/eduardo-bolsonaro-diz-que-vitoria-de-trump-ajuda-pai-e-ve-chance-de-barrar-moraes-nos-eua.shtml.

effort to strengthen democratic institutions through ecological transition, as well as close cooperation in combating political extremism and digital radicalization.[12] Another important example of this coordination in favor of democracy was the rapprochement with the social democratic government of Spain, led by Pedro Sánchez, and the discussions surrounding the rise of the far right in both countries.[13]

Another contradiction inherent in *autonomy through reconstruction* lies in the tension between defending democracies against the rise of the far right and the strategic emphasis on rapprochement with countries such as China and Russia. Although this rapprochement can be justified from the perspective of universalism, active non-alignment, and the search for a more balanced multipolar order, it also generates ambivalences that weaken the coherence of Brazil's democratic discourse. As Brazil strengthens ties with authoritarian regimes, its ability to articulate a robust defense of democratic principles at the international level becomes more vulnerable to criticism and perceptions of inconsistency. There is, therefore, a clear clash between two pillars of *autonomy through reconstruction*: on the one hand, the principle of global governance reform, which supports rapprochement with countries that also seek this reconstruction, and on the other, the commitment to democratic values themselves, especially in the face of the transnational advance of the far right, which is often fomented by countries such as Russia.

Finally, the relationship between Lula and Joe Biden, although initially promising, was marked by mutual frustrations. On the one hand, Lula hoped that US support for the defense of Brazilian democracy during the 2022 elections would be followed by a strategic rapprochement between the two countries, with recognition of Brazil as a key partner on issues such as energy transition, combating inequality, and global governance reform. On the other, the Biden administration hoped for a clearer signal of Brazil's alignment with

12 In December 2023, during the Second Brazil-Germany High-Level Intergovernmental Consultations Meeting held in Berlin, Lula and Scholz signed a joint declaration of intent to carry out projects aiming at socially just ecological transformation. On the same occasion, Brazil and Germany formalized a Joint Declaration of Intent on Information Integrity and Combating Disinformation. Cf. "Lula e Olaf Scholz defendem transição ecológica com justiça social," *Agência Gov*, December 4, 2023, https://agenciagov.ebc.com.br/noticias/202312/lula-e-olaf-scholz-defendem-transicao-ecologica-com-justica-social-1.

13 In March 2024, during Sánchez's official visit to Brazil, Lula emphasized that "Spain and Brazil are two great democracies facing extremism, the rejection of politics, and hate speech, which are fueled by fake news," stressing the importance of uniting all democrats around the world. Brazi, Presidency of the Republic, "'Pudemos comprovar a afinidade entre nossos governos,' diz Lula sobre visita do presidente da Espanha," March 7, 2024, https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/noticias/2024/03/201cpudemos-comprovar-a-afinidade-entre-nossos-governos201d-diz-lula-sobre-visita-do-presidente-da-espanha.

the Western agenda, especially in light of the war in Ukraine and growing competition with China.

Neither side had its expectations fully met. Brazil's rapprochement with Beijing, its refusal to join sanctions against Moscow, and Lula's more assertive rhetoric on Israel caused discomfort in Washington. For its part, Brasília felt that the engagement of the US remained superficial and insensitive to South American priorities (Winter 2024). It is noteworthy that Lula and Biden jointly launched the *Parceria pela Democracia Trabalhista* (US–Brazil Partnership for Workers' Rights), an unprecedented initiative aimed at defending trade unions, collective bargaining, and social justice (The White House, 2023).

Thus, autonomy through reconstruction has represented an autonomy that is not neutral, but rather engaged in the protection of democratic regimes, the reformed multilateral order, and the climate agenda. In direct contrast to the illiberal logic of the previous period, Lula III's foreign policy focused on building international coalitions to resist the rise of global authoritarianism and rehabilitate Brazil as a country interested in reforming multilateralism in its many forms. This response did not take the form of direct confrontation or aggressive rhetoric, but rather selective alliances, institutional reinforcement, and the repositioning of Brazil as a defender of democracy, climate, and reformed governance in a world in transition. After the Bolsonaro administration's ideological alignment with the so-called "reactionary international"—marked by attacks on democratic institutions, multilateral isolation, and affinities with leaders such as Donald Trump, Viktor Orbán, and Benjamin Netanyahu—Lula III's strategy has sought to establish a new normative framework for Brazil's foreign policy, recovering democratic, multilateralist, and progressive values, although not without significant contradictions and limitations.

Conclusion

The path of Brazilian foreign policy since the 1970s reveals a succession of models of autonomy that reflect both the internal dilemmas of the state and the transformations of the international system. As summarized in the table below, each paradigm—from Geisel's strategic distance to Lula I and II's diversification, including FHC's institutional participation—articulates an *identity*, a set of *strategic choices*, and distinct *guiding principles*. The rupture promoted by Bolsonaro, marked by the deliberate abandonment of the autonomist tradition and ideological alignment with a "reactionary

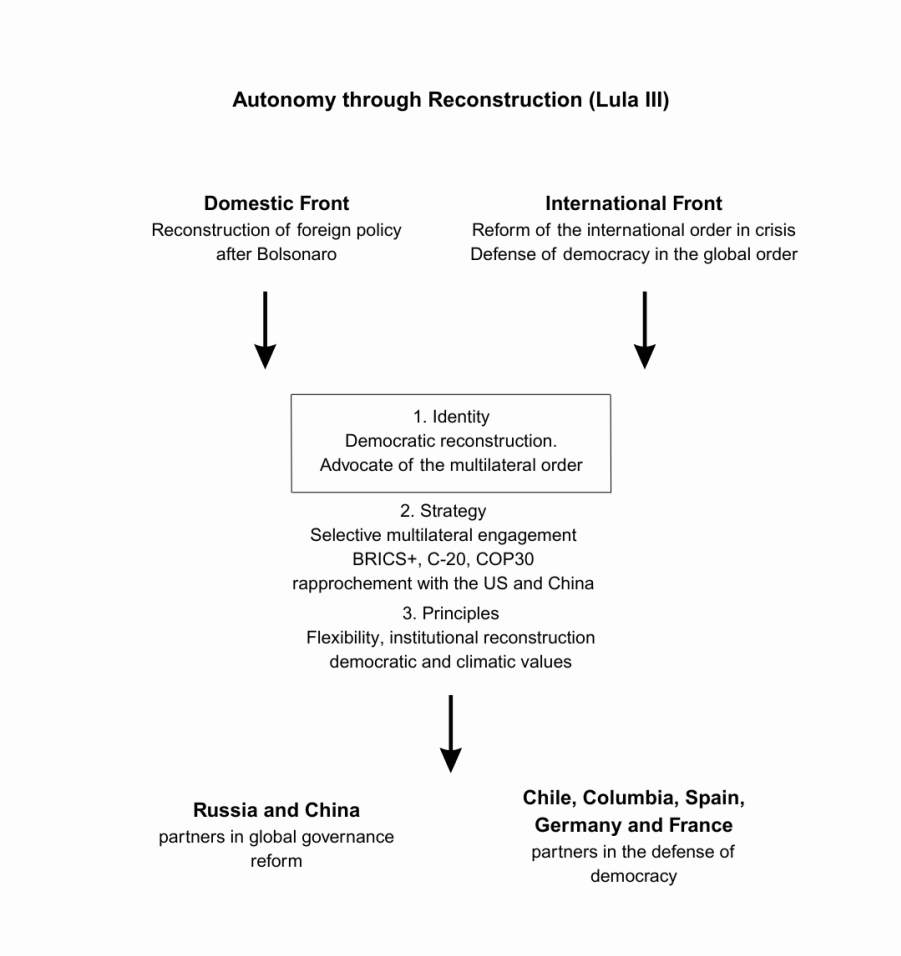
international," intensified the need for reconstruction. On the other hand, the profoundly changing international order demanded a selective and prudent approach. This is a hybrid, flexible, and contingent strategy that combines systemic caution with normative commitment, aiming to preserve autonomy in an increasingly fragmented world.

Table 1. Comparison of Brazilian Foreign Policy Autonomy Models

Autonomy Model	Model Identity	Strategic Choices	PEB Basic Principles
Autonomy through Distance (Geisel)	National sovereignty, national developmentalism	Rapprochement with Third World countries, independent nuclear policy	Decision-making autonomy, strategic distance, anti-dependence
Autonomy through Participation (FHC)	A liberal-democratic state, influential and a reformer of global standards	Active participation in multilateral regimes, consolidation of MERCOSUR, accession to the NPT	Institutional engagement, advocacy for multilateral rules, adaptation
Autonomy through Diversification (Lula I and II)	Emerging power in the Global South, multipolar leadership	South–South coalitions, IBSA, G20 trade, relations with Africa and South America	Partnership diversification, universalism, leadership in the Global South
Lack of Autonomy (Bolsonaro)	Conservative and anti-globalist identity, ideological alignment with the international right wing	Alignment with the US (Trump), Israel, Hungary, refusal to participate in UN multilateral forums	Rejection of multilateralism, opposition to global norms, conservative foreign policy
Autonomy through Reconstruction (Lula III)	Democratic reconstruction, defense of democracy on a global scale, advocate of a reformed multilateral order	Selective multilateral engagement, BRICS+, G20, COP30, rapprochement with the EU and China	Flexibility, institutional rebuilding, democratic and climate values, strategic prudence

Source: Elaborated by the author.

The diagram below represents the autonomy through reconstruction of the Lula III administration, acting on two levels: domestically, with a focus on rebuilding foreign policy after Bolsonaro, and internationally, with the goal of reforming the international order in crisis. Below are the central elements of identity, strategy, and principles that guide this approach.



The foreign policy of the Lula III administration thus affirmed an international *identity* marked by democratic reconstruction, a revaluation of multilateralism, and the aspiration for inclusive international leadership. After the institutional and normative collapse of the Bolsonaro administration, Brazilian diplomacy sought to rebuild itself as an instrument for the country's repositioning in a changing world. This identity was expressed by defending democracy as a value, a rare position in the history of Brazilian diplomacy, and by symbolic engagement with the climate justice agenda. The Lula administration's diplomacy did not operate solely as a vehicle for material interests, but also as a voice for a narrative about Brazil's place in the world.

In terms of *strategic choices*, the Lula III administration adopted a selective, flexible, and contingent stance, consistent with the fragmented and

multipolar international scenario. The rapprochement with China, without joining the Silk Road project; the effort to maintain dialogue with the United States despite rhetorical tensions; the rapprochement with Europeans on the issue of democracy; the joint proposal with Beijing on the war in Ukraine; and the affirmative stance toward Israel—all these initiatives revealed a pattern of insertion that avoided automatic alignment and favored a non-aligned position. This was a case of "active equidistance" on sensitive issues, combined with close alliances on structural agendas such as climate and democracy. The case of South America, in turn, revealed the limits of this pragmatism: the failure to rebuild regional leadership and bilateral tensions with Argentina and Venezuela indicate that Brazilian autonomy is more effective at the global level than at the regional level.

The *principles* guiding Lula III's foreign policy combined traditional elements—such as pacifism, international legality, universality, and non-alignment—with new directions, including climate justice, social inclusion, and the active defense of democracy. This updated diplomatic grammar was shaped by a world and a domestic reality in transition, in which Brazil sought not only to adapt but also to influence the direction of the global order.

Finally, preferred partners on these issues can be divided into two groups. On the one hand, China and Russia in discussions on global governance reform. In this regard, the BRICS, G20, and COP30 forums have become the preferred stages for action. On the other hand, Germany, France, Chile, and Colombia are involved in discussions about strengthening democracy, with a view to creating a broad alliance against the "reactionary international" led by Trump.

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URUGUAY AND THE UNIVERSAL PERIODIC REVIEW: A CASE STUDY ON THE LGBTQIAPN+ RIGHTS AGENDA (2009-2018)

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Abstract

This study investigates the influence of Uruguayan civil society on the LGBTQIAPN+ rights agenda in the Universal Periodic Review (UPR) from 2009 to 2018. We used case study methodology and content analysis to examine civil society participation in transnational public spaces within the global human rights protection system. Uruguayan civil society demonstrated significant engagement in the UPR, which contributed to expanding LGBTQIAPN+ rights on the international stage and pressuring the Uruguayan government to adopt protective measures, such as the Civil Union Law (2008), equal marriage and adoption by same-sex couples (2013), and the Gender Identity Law (2018). This study highlights the potential of the UPR as a space for dialogue between civil society and states in the promotion and defense of human rights, emphasizing the transnational role of civil society in the formulation and implementation of public policies.

Keywords: Civil Society. Universal Periodic Review. LGBTQIAPN+ Rights. Uruguay.

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URUGUAI E A REVISÃO PERIÓDICA UNIVERSAL: UM ESTUDO DE CASO SOBRE A AGENDA DE DIREITOS LGBTQIAPN+ (2009-2018)

Resumo

O presente estudo investiga a influência da sociedade civil uruguaia na agenda de direitos LGBTQIAPN+ no período de 2009 a 2018 na Revisão Periódica Universal (RPU). Utilizando a metodologia de estudo de caso e a análise de conteúdo, examinamos a participação da sociedade civil nos espaços públicos transnacionais do sistema global de proteção dos direitos humanos. A sociedade civil uruguaia demonstrou um engajamento significativo na RPU que contribuiu para ampliar os direitos LGBTQIAPN+ no cenário internacional e para pressionar o governo uruguaio a adotar medidas de proteção, como a Lei de União Estável (2008), o matrimônio igualitário e a adoção por casais do mesmo sexo (2013) e a Lei de Identidade de Gênero (2018). Este estudo evidencia o potencial da RPU como um espaço de diálogo entre a sociedade civil e os Estados na promoção e defesa dos direitos humanos, destacando o papel transnacional da sociedade civil na formulação e implementação de políticas públicas.

Palavras-chave: Sociedade Civil. Revisão Periódica Universal. Direitos LGBTQIAPN+. Uruguai.

URUGUAY Y EL EXAMEN PERIÓDICO UNIVERSAL: UN ESTUDIO DE CASO SOBRE LA AGENDA DE DERECHOS LGBTQIAPN+ (2009-2018)

Resumen

Este estudio investiga la influencia de la sociedad civil uruguaya en la agenda de derechos LGBTQIAPN+ en el Examen Periódico Universal (EPU) de 2009 a 2018. Utilizamos la metodología del estudio de caso y el análisis de contenido para examinar la participación de la sociedad civil en los espacios públicos transnacionales dentro del sistema global de protección de los derechos humanos. La sociedad civil uruguaya demostró un compromiso significativo en el EPU, lo que contribuyó a ampliar los derechos LGBTQIAPN+ en la escena internacional y a presionar al Gobierno uruguayo para que adoptara medidas de protección, como la Ley de Unión Civil (2008), el matrimonio igualitario y la adopción por parte de parejas del mismo sexo (2013) y la Ley de Identidad de Género (2018). Este estudio destaca el potencial del EPU como espacio de diálogo entre la sociedad civil y los Estados en la promoción y defensa de los derechos humanos, haciendo hincapié en el papel transnacional de la sociedad civil en la formulación y aplicación de las políticas públicas.

Palabras clave: Sociedad civil. Examen Periódico Universal. Derechos LGBTQIAPN+. Uruguay.

Introduction

Uruguay participated in all cycles of the Universal Periodic Review (UPR) mechanism, being evaluated in 2009 (1st cycle), in 2013 (2nd cycle), and in 2018 (3rd cycle). It is worth noting that not all member states of the United Nations (UN) participated in each of these cycles simultaneously. We chose Uruguay for this case study for two reasons. The first stems from the absence of Brazilian studies or publications related to this South American state on portals such as Scielo, BDTD, and Capes Journal Portal using the terms "Uruguay and RPU" and "Uruguay and UPR." The second reason is the country's notoriety in passing legislation considered progressive in Latin America, such as the Stable Union Law (2008), the legalization of voluntary termination of pregnancy (2012), equal marriage and adoption of children by same-sex couples (2013), and the legalization of *Cannabis sativa* (2013) during the presidency of José "Pepe" Mujica (Broad Front, from 2010 to 2015), a former member of the Tupamaros National Liberation Movement. Under the mandate of his political successor, Tabaré Vázquez (Broad Front, from 2015 to 2020), the Gender Identity Law (2018) was adopted.

Our work focused on the role of Uruguayan civil society within the UPR mechanism from 2009 to 2018 with regard to demands for the recognition of the rights of the LGBTQIAPN+ population (lesbians, gays, bisexuals, transgender people, queer people, intersex people, asexual people, pansexual people, non-binary, and other gender and sexuality dissidents). With globalization, civil society has become a relevant actor in international relations (IR), claiming the occupation of international public spaces that were previously exclusive to states (Evangelista 2006) and international organizations such as the United Nations. As a strategy to improve international human rights protection, the UN Human Rights Council (HRC) established the UPR mechanism. Through evaluation cycles, civil society organizations have the opportunity to denounce human rights abuses and claim rights, becoming essential actors in the International System (IS) to demand actions in favor of respect for human rights, especially for those social groups that have been historically excluded and invisible.

Discrimination based on Sexual Orientation and Gender Identity (SOGI) is sometimes endorsed by states, either through discriminatory laws or through the absence of protection and promotion of human rights for social groups that do not fit into cis-heteronormativity. Heteronormativity can be understood as a set of norms that underpin social processes of regulation

and control of sexuality (Miskolci 2009). It is an organizing and classificatory criterion that makes reproductive heterosexuality the parameter for judgments about the variety of sexual, affective, and romantic practices, identities, and relationships (Pecheny 2008). In the case of transgender people, they face experiences of non-conformity with heterosexuality and cisgender identity.

Civil society organizations dedicated to developing the rights of the LGBTQIAPN+ population participate in the UPR due to the potential domestic impact of the mechanism. Thus, "they use it [the UN] as a means of legitimizing and achieving visibility for their agendas, elements—legitimacy and visibility— that are often denied to LGBT groups nationally" (Rodrigues and Hernandez 2020, 209).

In this sense, we seek to understand how organized civil society in Uruguay used the UPR mechanism to set the agenda for the rights of the LGBTI+ population. In methodological terms, a case study was developed based on reports from Uruguayan civil society organizations in three UPR cycles between 2009 and 2018. As a document analysis technique, we used Content Analysis (CA), proposed by Laurence Bardin (2016), following these steps: 1) pre-analysis, 2) exploration of material, and 3) processing of results, inference, and interpretation. The first stage consisted of pre-selection and analyzing documents, guided by the question regarding demands for recognition of the rights of the LGBTQIAPN+ population, followed by the formulation of hypotheses and a theoretical and bibliographic review. After the collection phase, the documents were examined and surveyed in search of elements most aligned with the rights of the LGBTQIAPN+ population, with the intention of formulating thematic categories. Once the terms were chosen, they were categorized into three axes of analysis: (i) sexual dissidence; (ii) experiences of violence; and (iii) recognition of rights. Both the reports from civil society organizations and the compiled documents produced by international agencies were sourced online.

The presentation of this research's findings is organized into three sections. The first offers a brief overview of the concept of civil society, outlining its characteristics and forms of action, and describing the historical background of LGBTQIAPN social movements. The second section presents a systematization of how the UN and the international protection of human rights operate, as well as the UPR mechanism. Finally, the third and last section discusses the results that allow us to understand how important Uruguayan civil society's participation in the UPR is, especially regarding the agenda for the rights of the LGBTI+ population.

1. Civil Society and Social LGBTI+ Movements

Civil society encompasses institutions outside the state sphere and the market economy that engage in dialogue with public bodies, agents, and other actors in the public sphere (Marx 2012). According to Leão (2014, 323), "the concept of civil society is broader than the notion of non-governmental organizations—NGOs." It also includes social movements, trade unions, transnational networks, and other individuals or groups of individuals who fight to transform the *status quo* (Herz, Hoffman, and Tabak 2015).

Civil society is now seen as an actor in international relations through the process of globalization, at a time when states are losing their exclusive role in the international system. In a context of greater transnationalization of problems and porosity of territorial and cultural borders, the classic actors of the international system are compelled to be open to dialogue with other rising actors. New actors, such as civil society, are now organizing themselves strategically to influence and change the architecture of the international system. To this end, they use channels already established in international relations, demanding access to international public spaces that were previously concentrated solely in the state (Evangelista 2006; Muñoz 2008). In these spaces, civil society is able to set the agenda for the issues it addresses, as social, political, and economic dynamics become more connected and interdependent.

The collective actions of social movements defending human rights go beyond national borders and also use the transnational arena as a forum for debate and political disputes. Social movements are one of the levels of representation of interests and values within civil society (Scherer-Warren 2006), being "collective social actions of a sociopolitical and cultural nature that enable different segments of the population to organize and express their demands" (Gohn 2015, 13). Social movements are generally based on the struggle for rights and seek emancipatory social change, resisting exclusion and fighting for social inclusion (Gohn 2015; Marx 2012).

Regarding the conditions for their formation, social movements create identities and bring together people who were previously scattered around a common goal, usually the struggle for the recognition of rights. Their members share common ideals and interests, adopting an organizational approach that shapes their actions and drives efforts to achieve their goals and transform the social order. They constitute a field of dispute and, since they do not aim to seize state power, they seek to influence through participation in international forums, protests, and public media (Cohen 2003). Due to their ability to

exert influence, social movements are considered actors in the international system, since they "influence international and national public opinion and can exert pressure to change the political system of their countries and, at the same time, raise awareness among international organizations about their demands" (Marx 2012, 13).

The characteristics previously explored can be observed in the development of the LGBTQIAPN+ movement, whose prominence is closely linked to struggles related to SOGI (Simões and Facchini 2009). The literature generally points to the *Stonewall* riots in the United States, in 1969, as the event that marked the beginning of the LGBTQIAPN+ movement worldwide. This episode influenced the emergence of several other LGBTQIAPN+ liberation movements in the Western world, with demands centered around equality. Contemporary social movements—formed in response to the demands of social groups considered minorities—are established around "discourses and practices marked by identities, whether ethnic-racial, sexual, gender-based, class-related, among others" (De Assis César et al. 2013, 194). Broadly speaking, the LGBTQIAPN+ movement advocates for the recognition and protection of human rights for individuals who fight for the right to difference in terms of SOGI, whose hegemonic matrix is cis-heteronormative.

The social struggle of the LGBTI+ movement is evident in a series of collective actions of resistance against exclusionary norms. According to The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA 2020), 67 UN member states have measures that criminalize any consensual act between adults of the same sex, despite the long history of consolidating international norms that prohibit discrimination. This reveals that the coordinated and sustained mobilization of the LGBTQIAPN+ movement is essential for the realization of demands for recognition and protection of the right to difference and non-discrimination, "beyond human rights treaties or laws that states may adopt" (López 2018, 162-163). The transnationalization of LGBTQIAPN+ activism has boosted its recognition as an international actor, based on its visibility in the international arena and the reaffirmation of the legitimacy of its demands (Gonzaga 2019).

Concurrently with the Stonewall uprising in the US, the transnationalization of the LGBTQIAPN+ movement in Latin America can be observed. López (2018) argues that political mobilizations of sexual minorities began in the 1970s, with no region in the world making more progress in expanding LGBTQIAPN+ legal rights than Latin America.

Some of the most advanced legislation and policies on LGBTQIAPN+ rights in the world have been established in Latin American countries over

the last ten years, such as non-discrimination statutes, legalization of same-sex marriage, expansion of health services for LGBTQIAPN+ people, and pro-LGBTQIAPN+ court decisions (Corrales 2015, 4).

Despite this remarkable progress in the fight for LBGTQIAPN+ rights in Latin America, it has not been uniform across the region (Corrales and Pecheny 2010). During the "pink tide," there was greater openness to the demands of the LGBTQIAPN+ population, encouraged by social movements (Corrales and Pecheny 2010). While the domestic openness to recognizing demands was influenced by a series of electoral victories by left-wing and center-left parties in Latin America (from the late 1990s to the early 2000s), autonomous transnational social movements had the capacity to mobilize resources, influence other actors, and global politics (Muñoz 2008). Such capacity and autonomy were relevant to democratizing the IS by listing agendas ignored by states, especially in international organizations. It should be emphasized here that transnational mobilizations for social justice are relevant aspects for understanding IR (Kyrillos 2022). In Latin America, civil society and, in particular, social movements have been and continue to be crucial to the struggle for the promotion, protection, and recognition of rights (Rivera-Vélez 2017).

Given the importance of civil society in the field of human rights, especially in the Latin American context, the next section discusses the UPR as a strategy for improving UN mechanisms for the protection of human rights. We emphasize that the need to improve and monitor the human rights protection architecture is one of the main demands of transnational social movements.

2. The United Nations and the Protection of Human Rights Through the Universal Periodic Review Mechanism

Since the creation of the UN in 1945, the establishment of an international system for the protection of human rights has been at the heart of its mission, culminating in the drafting of the Universal Declaration of Human Rights (UDHR) in 1948. The UDHR, drafted by the UN Human Rights Commission, "was fundamental to the protection and promotion of human rights" (Neto and Pereira 2020, 528), especially through the development of international human rights norms and standards. The Commission acted "as the body par excellence for the defense of human rights within the universal protection system" (Silva 2013, 103), but it began to receive criticism regarding the

politicization of its processes and decision-making (Silva 2013). As a result, it underwent a reformulation and was replaced in 2006 by the Human Rights Council (HRC).

The work of the HRC is "guided by the principles of universality, impartiality, objectivity, and non-selectivity, constructive international dialogue and cooperation, to strengthen the promotion and protection of all human rights" (HRC 2006, 2). According to Short (2008), the HRC should be able to periodically review States' treatment of human rights and respond to humanitarian emergencies. It is therefore necessary to improve the work of the former Commission and consolidate the human rights protection system on new foundations. To this end, the creation of the UPR mechanism was one of the main elements for the execution of the HRC's mandate.

The UPR aims to assess, monitor, and promote the improvement and protection of human rights in UN member states. According to Ramos (2017), monitoring is carried out through peer review, in which the human rights situation in states is analyzed by other states on an equal basis. The UPR aims to allow equal treatment of all member states with regard to the human rights situation, especially when it comes to complying with international obligations related to protecting them (Neto and Pereira 2020; Silva 2013). The UPR procedures are considered an innovation in the IS. Matias (2014, 55) also points out that, based on these procedures, the mechanism "monitors state progress every four years, following the implementation of new public policies in member states, in addition to the recommendations accepted during the process." We can affirm that the UPR is a political forum in which member states can be evaluated equally and share good practices regarding human rights.

The UPR is a cyclical and periodic mechanism. It was first developed in 2008, then again in 2012, and for the third time in 2017. The order in which states are analyzed is determined by a lottery, which also determines the members of the *troika*. According to Short (2008), this process leads to greater reliability in the UPR procedures, reinforcing its purpose of being an objective, non-selective, and universal mechanism for monitoring human rights. These characteristics were crucial to the creation of the UPR, as the former Commission on Human Rights was severely criticized for its geographical selectivity (Matias 2014).

During each cycle of interactive dialogue at the UPR, the State under review must respond to questions raised by different UN agencies, other States, and civil society regarding human rights practices. The fact that the assessment is carried out before other States encourages the establishment and/

or restoration of relationships between States. Similarly, "the fact that States have been tasked with conducting consultations gives them a responsibility; civil society should see this as an opportunity to establish or renew dialogue" (Sen *et al.* 2011, 9). During the UPR process, member states may address recommendations to the state under review, which must take a position on all recommendations issued (Sen *et al.* 2011). Short (2008, 181) emphasizes that the UPR has the potential to be one of the greatest successes of the HRC, as the recommendations can have a negative impact on States from the point of view of international political and economic relations. In fact, even though they are not legally binding, the recommendations issued under the UPR can lead to gains in prestige or constraints in the international system. This is because the mechanism operates within the international organization with the highest level of state participation in the world.

States play an important role in the structure of the UPR, as does civil society, which provides a counterpoint to what has been reported by the States under review. Since its inception, the UPR has provided for the participation of "other stakeholders" (HRC 2007, 4). However, only non-governmental organizations (NGOs) with consultative status can be accredited and participate in the sessions of the UPR Working Group as observers (HRC 2022).

These organizations, which are pre-accredited, participate as stakeholders by submitting an alternative report, also known as a shadow report, which serves as a counterpoint or challenge to the official reports of the States. This information can be sent jointly by several civil society organizations, in what is known as a Joint Submission, or separately, with each organization submitting its own report. Whether there is a joint submission or not, the documents sent by civil society organizations are presented in the form of a compiled document prepared by the Office of the United Nations High Commissioner for Human Rights (HRC 2007).

It is important to understand why "other stakeholders" strive to participate in a highly costly process such as the UPR. According to Rodrigues and Hernandez (2020, 241), the "UN is one of the most targeted organizations in mobilizations, as it has a collective legitimizing function, which influences the actions of member states and the organization itself in terms of which issues they should focus on and which they should take the initiative on." This is due to the fact that, with the advent of globalization and transformations around the globe, new actors have been gaining more space within the international arena, transforming and redefining the role of the state (Evangelista 2006). Thus, in the new international arena, new actors emerge as an alternative to state power.

Civil society therefore seeks to build a more democratic political arena, with the aim of denouncing gaps and violations of rights resulting from the actions of public authorities or private actors. Participating in these dialogues and having a voice that is heard provides civil society with legitimate and institutional channels to claim rights and influence decision-making processes. Engaging and making one's voice heard within a highly institutionalized and hierarchical arena such as the UN represents a mobilization strategy that is not accessible to all civil society organizations. That is why it is so important that organizations linked to the LGBTQIAPN+ rights agenda are qualified and involved in monitoring initiatives such as the UPR.

3. Analysis of Civil Society Participation in the Three Cycles of the UPR

The participation of Uruguayan civil society in the three cycles of the UPR was analyzed based on the collection, systematization, and cataloging of the respective alternative reports submitted. As a technical strategy, we used Content Analysis (CA), as proposed by Bardin (2016). The CA technique has been used in research in the field of international politics (Simioni and Kyrillos 2024).

In a first approach to the data, a general reading of the entire textual *corpus* was carried out. At this stage, the most recurrent terms in the *corpus* were extracted. In the next stage, some search terms aligned with the rights of the LGBTI+ population were defined. The definition of these search terms was important because it allowed for the identification of a diversity of expressions over nine years of civil society participation in the context under analysis. The terms were originally in Spanish and English.

In the table below, we list the selected terms and indicate how often they were repeated. After cataloging them, we categorized them into three types: sexual dissidence, experiences of violence, and recognition of rights. Each of these categories was organized with the aim of identifying the intertextual relationships between terms whose meanings are similar and recurrent, even though they vary in their linguistic presentation.

As shown in Table 1, the category "recognition of rights" is not mentioned in the documents compiled by international agencies or in official reports by States. However, the analysis of individual alternative reports from civil society organizations revealed references to terms related to this category. This discrepancy is further detailed in the section discussing the results, where we

encounter significant qualitative differences between the alternative reports from civil society organizations and the compilation prepared by the UN.

Table 1. Intertextual relationships and frequency of terms in alternative reports

Categories	Terms	N. of Citations
Sexual Dissidence	LGBTI / LGBTI people	6
	trans people / crossdressed people	3
	homosexuals	1
	trans women / transgender women / transsexual women	3
	sexual and gender identity / gender identity, sexual orientation, gender expression, and/or sexual characteristics / sexual orientation, gender identity, and sexual characteristics / sexual identity / sexual orientation / orientation / gender identity / sexual and gender diversity / sexual diversity / gender expression / sexual characteristics	17
Violence Experiences	hate crimes	1
	discrimination against LGBTI people	1
	violence committed against transgender women	1
	violence against LGBTI persons / acts of violence against LGBTI persons	4
Recognition of Rights	rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people	0

Source: Elaborated by the authors.

3.1. First Cycle

The first cycle of analysis for Uruguay began in 2009, and the main document analyzed was the *Resumen* prepared by the *Oficina del Alto Comisionado para los Derechos Humanos con arreglo al Párrafo 15 C) del Anexo de la Resolución 5/1 del Consejo de Derechos Humanos—Uruguay* (A/HRC/WG.6/5/URY/3), hereinafter referred to as *Resumen 1*. During this cycle, four civil society organizations participated and one joint submission (JS) was made. Despite this, in *Resumen 1*, compiled by the Office of the United Nations High Commissioner for Human Rights (OHCHR), there was no mention of terms related to the Uruguayan LGBTQIAPN+ population. Given this silence, we sought out the

alternative reports submitted by each civil society organization, which gave rise to the compilation. In these documents, the MERCOSUR Observatory of Public Policies on Human Rights (OPPDHM) and the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) note the limited time these organizations had to prepare opinions and comments on Uruguay's National Report (CLADEM 2008; OPPDHM 2009).

The report submitted by CLADEM (2008) mentions, in a footnote, the Stable Union Law (2008). The same mention is repeated in the 2009 report (CLADEM 2009). The report submitted by the Network of National Human Rights Institutions of the Americas (RED 2008) does not address issues related to the LGBTQIAPN+ population, nor does the report submitted by the Institute for Legal and Social Studies of Uruguay (IELSUR 2007).

The absence of information or concerns in these reports is consistent with the content of the compilation prepared by OHCHR regarding the LGBTQIAPN+ rights agenda. However, it should be noted that the report prepared by joint submission 1 (JS1) provided relevant background information on this agenda. JS1 positively highlights the educational work carried out by the Comisión de Educación Sexual (CES), formed by the Consejo Directivo Central (CODICEN) and the Administración Nacional de Educación Pública (ANEP), based on the publication of a book in 2008 that addresses human sexuality, sexual diversity, and gender issues (JS1 2009). The JS1 report (2009) also highlights an action by the Ministry of Education and Culture that mentions the terms "sexual diversity" and "gender identity."

The rights of LGBTQIAPN+ individuals were notably underrepresented in the OHCHR compilation during Uruguay's first Universal Periodic Review. Although issues related to sexual diversity and gender identity were present in the JS1 report, the *Resumen 1* prepared by the UN did not include any demands related to the LGBTQAPN+ population. If other civil society reports for this cycle had not been examined, it could have been mistakenly inferred that the LGBTQIAPN+ movement was not interested in making its voice heard in that evaluation cycle.

3.2. Second Cycle

The second cycle of the UPR began in 2013, and the document submitted was the *Resumen preparado por la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos con arreglo al párrafo 15 b) del anexo de la resolución 5/1 del Consejo de Derechos Humanos y al párrafo 5 del anexo de la resolución 16/21 del Consejo—Uruguay* (A/HRC/WG.6/18/URY/3), hereinafter

referred to as *Resumen 2*. During this cycle, fifteen civil society organizations and five joint submissions participated. Out of the total number of participants, only Amnesty International (AI) and the joint submission (JS1), composed of the Colectivo Ovejas Negras and the Iniciativa por los Derechos Sexuales, used terms related to the LGBTQIAPN+ rights agenda.

In this cycle, we observed that participating organizations made recommendations to the Uruguayan State. JS1 recommended establishing mechanisms and procedures to make it easier for LGBTQIAPN+ people and other discriminated and victimized populations to access justice, as well as incorporating a human rights perspective for LGBTQIAPN+ people into new police action and investigation protocols.

With regard to transgender people, the report highlighted the Uruguayan State's lack of strategies to combat "hate crimes" against this population and the violence and discrimination to which "travestis" and "homosexuals" are exposed in the prison system. AI pointed out the lack of justice related to the deaths of "transsexual women" in Uruguay. The organization recommended that Uruguay implement a policy to collect and systematize comprehensive data and indicators on acts of "violence committed against transsexual women." These are emic expressions marked by quotation marks, as presented in the reports and included in Table 1.

The term "sexual and gender identity" was the most frequently used, being cited four times by JS1 and twice by AI. All citations were recommendations for Uruguay to improve its public policies for the LGBTQIAPN+ population. JS1 recommends activating the indicator system of the Observatorio Nacional de Violencia y Criminalidad (National Observatory on Violence and Crime), aiming to include crimes related to sexual violence and/or based on SOGI. Another recommendation concerns the inclusion, in the Audiovisual Media Law, of provisions that guarantee non-discrimination based on SOGI in the media. Furthermore, AI recommended that Uruguay implement policies to guarantee the safety and right to life of all people, regardless of their sexual orientation or gender identity.

As occurred in the First Cycle, we found content related to the LGBTQIAPN+ population in the alternative reports of civil society organizations that are not included in the compilations prepared by UN agencies. The National Human Rights Institution and Ombudsman's Office (INDDHH) mentions the law on equal marriage (INDDHH 2013). The AI alternative report mentions the term "transsexual women" seven times (AI 2013), while the compilation prepared by the UN agency mentions the same term only twice. The document prepared by the association Iniciativas Sanitárias (IS) mentions that strategies for the

inclusion of sexual diversity have not been implemented in the services of the Ministry of Public Health (IS 2013).

JS1, formed by Colectivo Ovejas Negras and Iniciativa por los Derechos Sexuales, prepared a document on the human rights situation in relation to sexual orientation and gender identity and expression (JS1 2013). However, none of the issues are mentioned in the compilation prepared by the UN. In addition, joint submissions 3 (JS3) and 4 (JS4) mention in their individual documents issues related to discrimination based on SOGI in the media (GTEPUDHM 2013) and gaps related to trafficking for the purpose of sexual exploitation, especially of transgender people (JS4 2013).

3.3. Third Cycle

The third and final cycle of the UPR analyzed in this article began in 2018, and the document used is the *Resumen de las comunicaciones de las partes interesadas sobre el Uruguay—Informe de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos* (A/HRC/WG.6/32/URY/3), hereinafter *Resumen 3*. During this cycle, 14 civil society organizations participated and five JS were presented. However, there were few demands on the LGBTI+ rights agenda: only Amnesty International (AI) and two other joint submissions (JS1 and JS4) raised issues concerning Uruguay's LBGTI+ population.

JS1 highlighted some legislative advances, but reiterated the recommendations that the Uruguayan state should strive to eliminate discrimination based on "gender identity", "sexual orientation" or "gender expression and/or sexual characteristics." Another recommendation concerns the need to implement an inclusive and mandatory care protocol for LGBTI people, in line with international standards, as well as a ban on conversion therapies and other practices that could undermine sexual or reproductive rights throughout the public and private health system. Finally, it recommends guaranteeing discrimination-free education with comprehensive sex education and implementing policies so that anti-discriminatory measures are adopted in educational establishments, with the aim of eliminating any kind of harassment or intimidation against LGBTI+ people.

In relation to trans people, JS1 emphasizes the absence of public policies to tackle marginalization, although it highlights the political progress that the Gender Identity Law (2018) represents. The AI report highlights that there has been no progress in the investigation of the murders of four trans women since the last evaluation cycle (2012). JS1 recommends the adoption

of comprehensive public policies to prevent, combat and punish "violence against LGBTI people", as well as guaranteeing the right to health and physical integrity, particularly in the case of trans women.

The term "sexual and gender identity" is the most mentioned term in the cycle, with a total of eleven mentions. In this regard, there were comments about the lack of effectiveness of public policies to combat discrimination based on SOGI, gender expression and/or sexual characteristics. JS1 highlighted the lack of information on sexual and gender diversity in classrooms. The participating organizations made the following recommendations: (i) formulation of a National Plan to Combat Discrimination; (ii) effective implementation of sexual and reproductive education in primary and secondary schools, from a perspective of human rights, gender, sexual identity, sexual orientation and race/ethnicity; (iii) training of health teams on issues such as sexual diversity.

Regarding discrimination against LGBTI+ people, Uruguay is recommended to design public policies that address discrimination against this particular group, as well as enacting laws that prohibit direct and indirect forms of discrimination. With regard to violence against LGBTI+ people, civil society highlights the absence of laws criminalizing any discrimination. Violence against LGBTI people is classified as "acts of hatred", which means that impunity for these crimes is very high. AI has also tackled this issue, recommending that the Comprehensive Law for Trans People be passed so that murders of trans women can be investigated, and that a mechanism be established to monitor acts of violence against LGBTI people.

As in the other evaluation cycles, we encountered significant differences between the alternative reports from civil society organizations and the compilation prepared by the UN. In the third cycle, we had yet another element of difficulty: the alternative reports were not available on the UN HRC website. Unlike in the analysis of the first two cycles, in this one we had to search other databases and the websites of the respective organizations to find their alternative reports. In other words, the standard for accessing and disseminating alternative reports changed in the third cycle of the UPR (2018), which imposed significant limitations on the compilation and systematization of data, in terms of methodological comparison strategies.

In the last cycle, we observed that the voices of civil society were even more heavily filtered by international agencies, which undoubtedly influenced the final recommendations made to the state under review.

Final Considerations

This work is the result of two years of research, receiving financial support from CNPq and numerous opportunities for dialogue at scientific initiation congresses (2021 and 2022) and at a meeting of the Brazilian Association of International Relations (2023). Our aim was to understand how the LGBTI+ rights agenda was presented by Uruguayan civil society throughout the evaluation cycles of the UPR, from 2009 to 2018. Following the methodological strategies of a case study, we delved into the singularities of the Uruguayan political context. This is the second smallest South American country in territorial terms, and it has global governance indicators (World Bank 2019) that are much higher than those found in other countries in the region: a very high human development index, higher percentile positions for indicators of political stability, freedom of expression, democratic values and social protection. In addition to these factors, we have become familiar with legislation aligned with the Latin American "pink wave", developed by left-wing or center-left governments, such as the Stable Union Law (2008), the legalization of voluntary termination of pregnancy (2012), equal marriage and the adoption of children by same-sex couples (2013), the legalization of *Cannabis sativa* (2013) and the Gender Identity Law (2018).

Our curiosity around Uruguay led us to articulate two related themes: civil society mobilizations on the LGBTI+ rights agenda and human rights monitoring mechanisms within the global human rights protection system. By linking these two themes, we realized that we knew very little about Uruguay's participation in the UPR mechanism. We therefore examined the engagement of Uruguayan civil society in the UPR, using the Content Analysis (CA) technique applied to the textual *corpus* of the alternative reports submitted in the three evaluation cycles (2009 to 2018). We sought to highlight the potential of the UPR as a space for dialogue between civil society, states and international agencies in the promotion and defense of human rights.

The analyzed data allows us to say that most of the alternative reports are dedicated to making public policy recommendations for the recognition of LGBTI+ rights. Without neglecting the role of denouncing situations of serious human rights violations, civil society has generally played a propositional role, indicating alternatives for mitigating or eliminating discrimination and violence resulting from SOGI.

However, in the face of some setbacks in data collection, we realized that the plurality of civil society voices goes through a filtering process,

under unknown criteria, since the alternative reports are summarized and compiled by agencies at the service of the United Nations Human Rights Council. It would be the least of the problems if these alternative reports were available for online consultation, which was not the case in the third evaluation cycle (2018). In addition, there was a decrease in the number of organizations participating in the last cycle. This cannot be fully explained by the findings of our research, but it is something to draw the attention of researchers linked to this research agenda because it significantly influences the capacity for transnational collective mobilizations, with a potential impact on national states.

Finally, we would like to emphasize the importance of an interdisciplinary approach in the field of human rights and civil society studies, especially in the discipline of IR. This is an opportunity to leverage a broader understanding of international politics, realizing the intertwining of different systems of domination that mutually construct and affect knowledge and practices in IR, especially cis-heteronormativity. There is an urgent need to expand approaches to IR that understand the importance of listening to the voice of civil society as an international actor, especially in the struggle to eliminate violence and discrimination against LGBTI+ people.

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HUMAN DEPRIVATION AND ITS DISPARITIES IN AFGHANISTAN WITH ITS REGIONS (2007–2018)

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Abstract

This research study utilizes a multidimensional poverty analysis approach to examine human deprivation and related regional inequalities in Afghanistan between 2007 and 2018. The study uses the Human Deprivation Index (HDepI), a metric developed based on the United Nations Development Program's Human Development Index methodology and the Alkire-Foster framework, to assess deprivation across three dimensions: health, education, and living standards. Data from the Global Data Lab, covering Afghanistan's eight regions, reveal a significant decline in the national HDepI from 83.9% in 2007 to 35.76% in 2018. The Southeastern regions (Ghazni, Paktia, Paktika and Khost) exhibited the most substantial decline (from 96.46 to 23.84), while the Eastern regions (Nangarhar, Kunar, Laghman and Nuristan) demonstrated the least significant decline (from 64.27 to 52.74). Regression analysis reveals differential impacts of health, education, and wealth on deprivation in different regions. The findings indicate that health and wealth have a significant impact on HDepI in the central regions, while all three dimensions contribute equally in the central highlands. In the Eastern regions, education and wealth exert a dominant influence, while health demonstrates a negligible impact. The Northern, Northeastern, Southern, Southeastern, and Western

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regions demonstrate significant coefficients, though the magnitudes of these coefficients vary. These findings underscore the necessity for region-specific and customized interventions to address systemic challenges, such as conflict and gender inequality, as well as health, education, and wealth inequalities, to sustain and augment progress in multidimensional poverty reduction in Afghanistan.

Keywords: Afghanistan. HDI. Disparities. Regions. Deprivation.

PRIVAÇÃO HUMANA E SUAS DISPARIDADES NO AFEGANISTÃO E EM SUAS REGIÕES (2007-2018)

Resumo

Este estudo adota uma abordagem de análise multidimensional da pobreza para examinar a privação humana e as desigualdades regionais associadas no Afeganistão no período de 2007 a 2018. Utiliza-se o Índice de Privação Humana (HDepI), desenvolvido com base na metodologia do Índice de Desenvolvimento Humano (IDH) do Programa das Nações Unidas para o Desenvolvimento (PNUD) e no método Alkire-Foster, para mensurar a privação em três dimensões fundamentais: saúde, educação e padrão de vida. Os dados extraídos do Global Data Lab, abrangendo as oito regiões do país, indicam uma redução expressiva no HDepI nacional, que caiu de 83,9% em 2007 para 35,76% em 2018. Entre as regiões, o Sudeste (Ghazni, Paktia, Paktika, Khost) apresentou a queda mais acentuada no índice, passando de 96,46 para 23,84, enquanto o Leste (Nangarhar, Kunar, Laghman, Nuristão) registrou uma redução menos acentuada, de 64,27 para 52,74. A análise de regressão revela impactos diferenciados da saúde, educação e riqueza sobre a privação em diferentes regiões. Os resultados indicam que a saúde e a riqueza têm um impacto significativo sobre o HDepI nas Regiões Centrais, enquanto as três dimensões contribuem igualmente no Planalto Central. Nas regiões do Leste, a educação e a riqueza exercem uma influência dominante, enquanto a saúde demonstra um impacto insignificante. As regiões Norte, Nordeste, Sul, Sudeste e Oeste demonstram coeficientes significativos, embora as magnitudes desses coeficientes sofram variações. Essas descobertas ressaltam a necessidade de intervenções personalizadas e específicas para cada região a fim de abordar desafios sistêmicos, como conflitos e desigualdade de gênero, bem como desigualdades de saúde, educação e riqueza, para sustentar e aumentar o progresso na redução multidimensional da pobreza no Afeganistão.

Palavras-chave: Afeganistão. IDH. Disparidades. Regiões. Privação.

PRIVACIONES HUMANAS Y SUS DISPARIDADES EN AFGANISTÁN Y SUS REGIONES (2007-2018)

Resumen

Este estudio de investigación utiliza un enfoque de análisis multidimensional de la pobreza para examinar la privación humana y las desigualdades regionales relacionadas en Afganistán entre 2007 y 2018. El estudio utiliza el Índice de Privación Humana (HDepI), una métrica desarrollada a partir de la metodología del Índice de Desarrollo Humano del Programa de las Naciones Unidas para el Desarrollo y el marco Alkire-Foster, para evaluar la privación en tres dimensiones: salud, educación y nivel de vida. Los datos del Global Data Lab, que abarcan las ocho regiones de Afganistán, revelan un descenso significativo del HDepI nacional, que pasó del 83,9 % en 2007 al 35,76 % en 2018. Las regiones del sudeste (Ghazni, Paktia, Paktika, Khost) registraron el descenso más sustancial (del 96,46 % al 23,84 %), mientras que las regiones del este (Nangarhar, Kunar, Laghman, Nuristán) mostraron el descenso menos significativo (del 64,27 % al 52,74 %). El análisis de regresión revela los diferentes impactos de la salud, la educación y la riqueza en la privación en las distintas regiones. Los resultados indican que la salud y la riqueza tienen un impacto significativo en el HDepI en las regiones centrales, mientras que las tres dimensiones contribuyen por igual en las tierras altas centrales. En las regiones orientales, la educación y la riqueza ejercen una influencia dominante, mientras que la salud tiene un impacto insignificante. Las regiones del norte, noreste, sur, sureste y oeste muestran coeficientes significativos, aunque la magnitud de estos coeficientes varía. Estos resultados subrayan la necesidad de intervenciones específicas y adaptadas a cada región para abordar los retos sistémicos, como los conflictos y la desigualdad de género, así como las desigualdades en materia de salud, educación y riqueza, con el fin de mantener y aumentar los avances en la reducción de la pobreza multidimensional en Afganistán.

Palabras clave: Afganistán. IDH. Disparidades. Regiones. Privación.

Introduction

Most studies on poverty concentrate on the concept of income. Similarly, economic growth and development studies place significance on income. However, poverty is a multidimensional concept, and growth and development are also multifaceted approaches. Consequently, research on these topics should also be multidimensional. Studies on human development and deprivation have introduced novel approaches to measuring and analyzing poverty and development with the aid of multidimensional concepts.

The human condition is the subject of study in the field of human development, with the capability approach representing a key analytical framework. To effectively evaluate the actual progress made in human development, the United Nations employs an inequality-adjusted Human Development Index. For policy, absolute poverty is defined as a condition marked by severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education, and information. The concept of poverty is not solely contingent on income; it is also influenced by the availability of social services (United Nations 1995). Prof. Amartya Sen and Dr. Mahbubul Haq were instrumental in pioneering this innovation, which transformed the concept of human development. In 1990, the United Nations Development Program (UNDP) introduced the Human Development Index (HDI) as a means of measuring the level of development in every nation or region. The index is based on three dimensions: access to quality education, a long and healthy life, and access to a decent standard of living (UNDP 2011).

Human deprivation is defined as the absence of fundamental needs and services that are indispensable for achieving a satisfactory quality of life. This concept encompasses not only financial poverty, defined as the absence of financial resources, but also deficiencies in critical domains such as health, education, and living standards (UNDP and OPHI 2024). The consequences of such deprivations are profound, as individuals encounter significant challenges in achieving their full potential and maintaining a dignified quality of life. Deprivation indices exhibit considerable variation across different countries. Individuals classified as poor in South Asia are more likely to experience deficiencies in nutrition, cooking fuel, sanitation, and housing, whereas those classified as poor in Sub-Saharan Africa are more likely to experience these same deficiencies, in addition to deficiencies in drinking water and electricity (UNDP 2022). In Afghanistan, there is considerable variation in human development and its associated disparities across different regions.

This is due to a complex interplay of factors, including health, education, and lifestyle conditions.

The 2024 Global Multidimensional Poverty Index (MPI) report indicates a considerable increase in multidimensional poverty in Afghanistan. Specifically, between 2015/2016 and 2022/2023, the poverty rate increased by more than 5 percentage points. By 2022/2023, approximately two-thirds of the Afghan population (64.9%) was living in acute multidimensional poverty, indicating a severe deprivation in at least one-third of the weighted MPI indicators (UNDP and OPHI 2024).

Afghanistan is one of the least developed and poorest countries in the world. Historical evidence indicates that it is one of the most vulnerable nations in South and Central Asia. The country's economic, social, and political systems have frequently been undermined by internal conflict and external interference from neighboring countries, as well as from powerful countries such as the United Kingdom, Russia, and the United States in collaboration with allied partners. Over four decades of conflict in Afghanistan, nearly 6.1 million Afghans have been at risk of various diseases and illnesses due to a lack of essential resources, including adequate medical care, food, and safe drinking water.

The prevalence of unemployment and poverty, especially in rural areas, constitutes a significant challenge to the government's capacity to pursue its developmental objectives. The economic and political systems that were in place during the period between 2001 and 2021, unfortunately, In August 2021, the government collapsed, even before the departure of the foreign forces from the country (Safi 2024). In a global ranking of 170 countries, Afghanistan is placed 170th for the inclusion, justice, and security of women. In December 2022, the government issued a series of alarming decrees that effectively barred women from pursuing higher education and engaging in employment with nongovernmental organizations (NGOs), including the International Rescue Committee.

This paper examines regional disparities in human deprivation in Afghanistan between 2007 and 2018. The study focuses on three aspects of deprivation: living standard, health, and education. The standard of living is determined by wealth, health by life expectancy, and education by expected school enrollment and mean school enrollment. The objective of this study is to construct an index of human disparities and to examine the relationship between wealth, health, and education and human deprivation in different regions of Afghanistan. The UNDP human development index methodology was employed to construct the human deprivation index, and multiple

regression was utilized to examine the relationship between the indicators and applied Panel system with SPSS software.

Literature Review

The CPRC Report 2004 has revealed that in the UK, individuals and communities experiencing persistent poverty are more likely to face a complex set of interrelated deprivations across multiple domains (CPRC 2004). These individuals and communities have been simultaneously confronted with challenges about health, income, and education. (Sahn and Younger 2007) and (Das *et al.* 2022) The researchers discovered that poverty was not declining to a significant extent in the majority of African countries. They also proposed that additional factors, such as health and education, should be considered in analyses of deprivation. Furthermore, their findings in India revealed a notable correlation between the aforementioned dimensions across different regions. (Gustav Ranis 2004), It is important to examine the extent to which households are willing to allocate a significant portion of their post-tax income towards the purchase of items that directly contribute to the advancement of human development in underprivileged countries. This includes essentials such as food, clean drinking water, healthcare, and education.

It would be beneficial to examine other potential indicators of capability deprivation, rather than solely focusing on child mortality rates (UNDP 2006a). As indicated in the report, the loss of each child results in millions of additional instances of illness or school absence (Doubeni *et al.* 2012). A correlation has been identified between mortality risk and the consumption of red and processed meat, which is in addition to the numerous other known risk factors for mortality. Furthermore, it has been suggested that the biological mechanisms may underlie this specific meat mortality rate, rather than being a consequence of neighborhood factors, (Drèze and Khera 2012). The identification of problem areas varies depending on the specific focus of the analysis, with rural poverty, child mortality, and female literacy being illustrative examples. To illustrate, the state of Madhya Pradesh exhibits elevated mortality rates, yet its younger age groups demonstrate commendable literacy levels (Åström *et al.* 2018). A notable reduction in mortality rates associated with coronary heart disease was observed in Sweden between 1988 and 2012. The child mortality rate serves as a particularly robust indicator of capability deprivation. The report underscores the fact that the death of a child can precipitate a cascading effect, resulting in millions more falling ill

or being compelled to miss school. Therefore, child survival is an invaluable indicator of human well-being (UNDP 2006b).

In the Bertram-Hümmer and Baliki (2014) investigation, the researchers begin their inquiry with the premise that visible wealth will play a more significant role than income in an individual's perception of deprivation. The researchers thus examine the relationship between three variables: deprivation, invisible wealth, and income, as well as perceived subjective deprivation. The researchers identify a significant role for visible wealth in perceived deprivation, which indicates that its impact is predominantly more pronounced than the conventional measure of deprivation in income, and Rahman (2015) presents findings indicating that a significant degree of deprivation exists among uneducated workers with substantial property holdings, particularly those who are low-paid and employed on a casual basis. Deprivation is more prevalent among female workers than male workers, and it has also been demonstrated that inter-manufacturing workers are more deprived than the others. The most significant factors in reducing the deprivation of workers are food and expenditure. The analysis concludes that households deprived of good housing conditions and basic facilities and amenities essential for healthy and productive manpower tend to be insufficiently endowed with assets (Ansary and Das 2018).

Mishra and Ray (2013) examine the phenomenon of multidimensional deprivation in India, and its findings indicate a reduction in this phenomenon over the specified period. However, this decline was not uniform, occurring at different rates between the reform and post-reform periods and exhibiting disparities between urban and rural areas. Even though rural areas exhibited improvements throughout the entire period, the pace of improvement in urban areas decelerated markedly, even though there was a slight decline in certain aspects.

The purpose of Dubey (2009) in India was to examine the disparities between different states in the country concerning consumption, inequality, and the incidence of poverty indicators. The aforementioned indicators provide a comprehensive overview of the general well-being of the given community, as they are influenced by a multitude of policy and economic variables. Notwithstanding these limitations, the global MPI continues to serve as a robust and illuminating instrument for elucidating the multifaceted and complex nature of poverty and furnishing data that is pivotal for its alleviation (Alkire and Jahan 2018).

It was observed in Farjānī et al. (2002) that there is a discrepancy in the capacity of countries to translate income into human development, which is

defined as their "human development efficiency." This is irrespective of the specific income level and proximity to the "human development frontier." Canada, Costa Rica, Sri Lanka, and China represent a subset of countries that collectively constitute the "human development efficiency frontier." Furthermore, Jamaica and Chile are situated near the frontier, whereas Arab countries, despite their elevated income levels, exhibit a considerable deviation from the frontier. The evidence suggests that they have been ineffective in translating their financial resources and income into human development. A study conducted by MPI in India revealed that, although multidimensional poverty has decreased considerably over the past decade, this decline has been regressive. This phenomenon can be attributed to the regressivity inherent in the observed decline in various deprivation indicators (Das et al. 2022).

Poverty is a principal indicator of social and economic well-being. Despite the limitations of World Bank field teams in accessing the country, they have concluded that poverty began to rise again from 2008 onwards and that poverty levels have continued to rise in recent years. The ongoing influx of refugees and internally displaced persons into urban areas with higher costs of living and limited employment opportunities has almost certainly contributed to an exacerbation of the problem. For a significant proportion of the Afghan population, meeting basic human needs and securing employment represent significant challenges (Cordesman 2019).

As indicated in the CIA report, a significant proportion of the population continues to experience deficiencies in essential services, including housing, clean water, electricity, medical care, and employment opportunities. The country's economic growth is hindered by a multitude of factors, the most prominent of which include corruption, insecurity, weak governance, a lack of infrastructure, and the Afghan government's inability to extend the rule of law to all regions of the country. The standard of living in Afghanistan is among the lowest in the world (Cordesman and Hwang 2020).

Research Methodology

Most poverty studies focus solely on the concept of income, a dimension that also holds significant weight in analyses of economic growth and development. However, poverty is inherently a multidimensional phenomenon, just as growth and development involve multiple interconnected sectors. As such, these issues require a multidimensional analytical approach. Human development and human deprivation studies have opened new perspectives

for measuring and analyzing poverty and development beyond income alone. This study contributes to enriching useful knowledge about human deprivation, which analyzes poverty in a multidimensional way.

Data and Study Area: This study uses data from the Global Data Lab, in which Afghanistan is divided into eight regions, all of which have been selected for analysis in this study, and the study period covers 2007 to 2018.

The regions studied are as follows:

Central Region: Kabul, Maidan Wardak, Kapisa, Logar, Parwan, Panjshir

Central Highlands: Bamyan, Daikundi

East: Nangarhar, Kunar, Laghman, Nuristan

North: Samangan, Sar-e Pol, Balkh, Jowzjan, Faryab

Northeast: Baghlan, Takhar, Badakhshan, Kunduz

South: Uruzgan, Helmand, Zabul, Nimruz, Kandahar

Southeast: Ghazni, Paktia, Paktika, Khost

West: Ghor, Herat, Badghis, Farah

***Research Variables*:**

Independent Variables: they are are the Health index and sub-indexes, Education index and sub-indexes, and Living Standard index and sub-indexes.

Dependent Variable: it is Human Deprivation Index (HDepI) ti which is equal to 1/3 (Health index) ti + 1/3 (Education) ti + 1/3 (Living Standard) ti.

Equal weights have been given to poverty, health, and education variables to construct the Human Deprivation Index. Interpolation and extrapolation statistical tools have been used to find annual data.

The HDepI uses information from 10 indicators that are categorized in three dimensions: health, education, and living standards, and which identify each person as deprived depending upon the joint achievements of household members (Alkire & Jahan 2018).

Table 1. The dimensions, indicators, weights, and calculation of the independent variables are as follows according to the new global MPI

Dimensions of poverty	Indicator	Deprived of and formula for calculating	Weight
Health	Child mortality	Any child has died in the family in the five years preceding the survey (As% %).	1/3

Education	Years of schooling	No household member aged 10 years or older has completed six years of schooling (100%- %YEARS of schooling at edge 12-14 – Region).	1/6
	School attendance	Any school-aged child is not attending school up to the age at which he/she would complete class 8(100%-%Educational-attendance-child 15-17).	1/6
Wealth	Electricity	The household has no electricity(100%-%Electricity).	1/9
	Assets	The household does not own more than one of these assets: radio, TV, telephone, computer, animal cart, bicycle, motorbike, or refrigerator, and does not own a car or truck (100%-Asset).	1/9
	International-Wealth-Index-(IWI)—Region	(100%-%International-Wealth-Index-(IWI) – Region).	1/9

Source: Alkire and Jahan 2018.

Calculating the Human Deprivation Index (HDepI)

The Human Deprivation Index (HDepI) is a composite measure designed to assess deprivation across three key dimensions: health, education, and living standards. Each dimension is equally weighted to reflect its importance in determining overall human deprivation (Alkire and Jahan, 2018).

Formula for HDepI

The HDepI is calculated using the following formula:

$$HDepIti=1/3(Health\ indexti) + 1/3(Education\ indexti) + 1/3(Living\ Standard\ indexti)$$

Where:

Health index: represents the health dimension for period (t) and individual (i).

Education index: represents the education dimension for period (t) and individual (I).

Living Standard $index_{ti}$: represents the living standards dimension for period (t) and individual (i).

Dimensions and Indicators

The HDepI uses information from 10 indicators categorized into three dimensions:

Health

Child Mortality: Any child has died in the family in the five years preceding the survey (as a percentage).

Education

Years of Schooling: No household member aged 10 years or older has completed six years of schooling. In this research, we define this variable as the percentage of family members aged 12-14 who have completed less than six years of schooling. In Afghanistan, children typically start school at age 7 or older.

School Attendance: Any school-aged child who is not attending school up to the age at which they would complete class 8. We define this variable as the percentage of families with children aged 15-17 who did not attend school until that age

Living Standards

Electricity: The household has no electricity.

Assets: The household does not own more than one of these assets: radio, TV, telephone, computer, animal cart, bicycle, motorbike, or refrigerator, and does not own a car or truck.

International Wealth Index (IWI): The household's wealth status as measured by the International Wealth Index.

Weighting of Indicators

Each dimension and its respective indicators are assigned specific weights to calculate the overall index:

Health: 1/3

Education: 1/3 (divided equally between Years of Schooling and School Attendance, each receiving 1/6)

Living Standards: 1/3 (divided equally among Electricity, Assets, and IWI, each receiving (1/9)

Research Econometrics Methodology

This study applies the Alkire and Jahan (2018) framework for analyzing human deprivation and includes three Human Development indices, which highlight social deprivations in essential human lives in contrast to income poverty. This is one of its strengths because it captures the idea of poverty by indicating the distribution of deprivations, and it is also used in monitoring and comparing achievements in poverty alleviation strategies and in reviewing economic and social results. This made it extremely flexible and versatile as it can easily accommodate different types of data and can handle as many dimensions as needed. As for the third aspect, it is also important to point out that indicators and criteria should be selected for each dimension about economic profiles in each country, and information accessibility.

In this study, the methodology used to calculate human deprivation is Alkire and Jahan's (2018) multidimensional poverty approach, which employs the Human Development Index (HDI). However, due to the type of analysis that employed secondary data, only Alkire and Jahan's formula dimensions were utilized, while allocating equal weights to every dimension. After that, a decision on the weights of each sub-index, which is reflected in the table above, was made as well.

This enables one to make a more extensive analysis of the extent of human deprivation at play, bearing in mind several aspects of the human developmental cycle as well as aspects of human seclusion. The soundness of this methodology with equal weights for the dimensions, as well as the assignment of weights to those sub-indices depending on the availability of data, is going to make the method appropriate for assessing human deprivation within this study.

OLS regression analysis has been used to analyze the relationship between the human Deprivation Index and health, life standard, and education.

The OLS regression analysis model is as follows:

$y = \alpha + \beta_1 X1i + \beta_2 X2i + \beta_3 X3i + ei$

Where:

y is the Human Deprivation Index,

α is a constant,

X1ij is the health dimension of human deprivation in year i.

X2 ij is the education dimension of human deprivation in year i,

X3 ij is the living standards dimension in the i year,

B1, β2 and β3 are coefficients, and

e_1 is the error term.

The error term e_1 is assumed to have a normal distribution with zero mean, constant variance, and zero correlation with the explanatory variables.

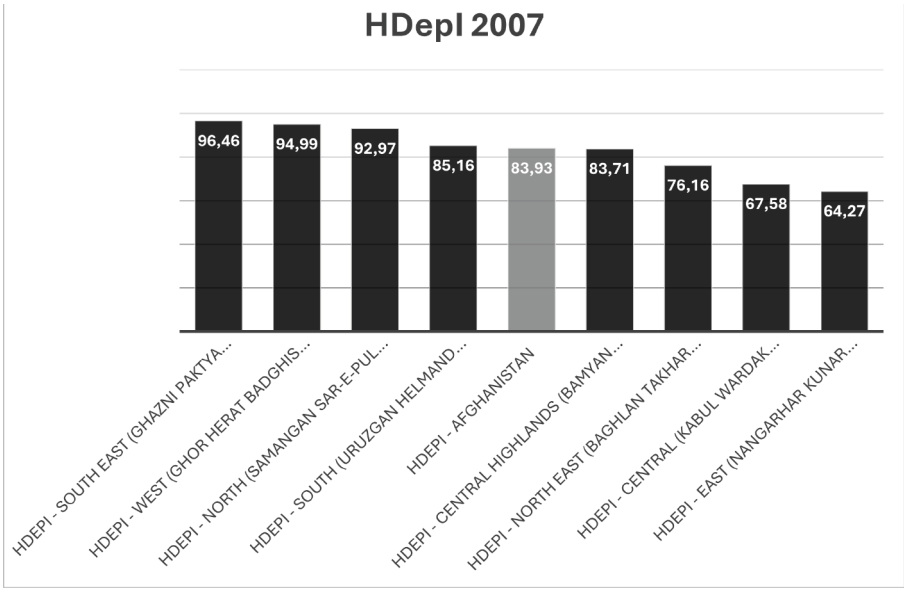
Empirical Analysis

Disparities Analysis of the Human Deprivation Index in Different Regions of Afghanistan (2007-2018)

According to the graph below, the Human Deprivation Index has decreased in all regions of Afghanistan from 2007 to 2018. This decrease indicates an improvement in living conditions and a reduction in deprivation in these regions. The Southeastern regions (Ghazni, Paktia, Paktika and Khost) experienced the largest decrease in the Human Deprivation Index, from 96.46 in 2007 to 23.84 in 2018. Similarly, the central regions and the central highlands have seen significant changes. The Eastern regions (Nangarhar, Kunar, Laghman and Nuristan) have seen the smallest decrease in the Human Deprivation Index, from 64.27 in 2007 to 52.74 in 2018.

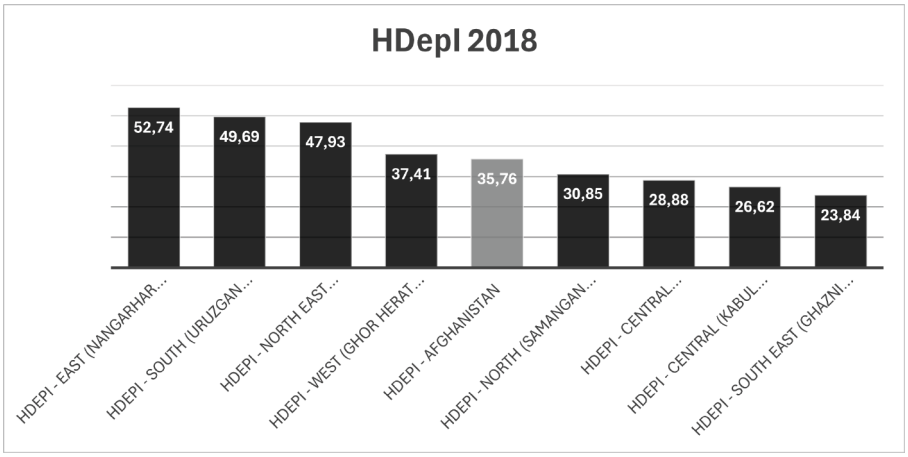
Overall, Afghanistan's Human Deprivation Index decreased from 83.9 percent in 2007 to 35.76 percent in 2018. This analysis shows that all regions of Afghanistan experienced a decrease in the Human Deprivation Index from 2007 to 2018. These results can help policymakers focus on improving living conditions and reducing deprivation to further improve the Human Deprivation Index.

Figure 1. HDepI 2007 in all regions in Afghanistan



Source: Research result.

Figure 2. HDepI 2018 in all regions in Afghanistan



Source: Research result.

Analysis of Human Deprivation Across Regions

Table 2. Descriptive Statistics

Region	HDepI Mean	Wealth Mean	Education Mean	Health Mean	N
Central	47.13	40.51	31.55	69.34	12
Central Highlands	56.06	44.44	30.56	47.39	12
East	58.51	63.55	46.48	65.50	12
North	61.98	48.28	41.07	96.58	12
North East	62.13	53.02	47.10	86.28	12
South	67.22	62.70	71.81	67.15	12
South East	59.28	50.91	42.05	84.88	12
West	66.13	52.70	48.68	97.03	12

Source: Research result.

Table 3. Model Summary

Region	R	R Square	Adjusted R Square	Std. Error of the Estimate
Central	1.000	1.000	1.000	0.0108
Central Highlands	1.000	1.000	1.000	0.0000003142
East	1.000	1.000	1.000	0.0125
North	1.000	1.000	1.000	0.0179
North East	1.000	1.000	1.000	0.0195
South	1.000	1.000	1.000	0.0071
South East	1.000	1.000	1.000	0.0102
West	1.000	1.000	1.000	0.0223

Source: Research result.

Table 4. ANOVA

Region	Sum of Squares	Df	Mean Square	F Value	Sig.
Central	1991.536	2	995.768	8576396.459	0.000
Central Highlands	3557.410	3	1185.803	-	0.000
East	156.618	2	78.309	503876.294	0.000
North	4572.974	2	2286.487	7107828.017	0.000
North East	954.005	2	477.002	1250375.822	0.000
South	1501.309	2	750.655	14873306.259	0.000
South East	6343.545	2	3171.772	30344562.959	0.000
West	3905.120	2	1952.560	3942400.861	0.000

Source: Research result.

Table 5. Coefficients

Region	Coefficient Wealth (Sig.)	Coefficient Education (Sig.)	Coefficient Health (Sig.)	Constant (Sig.)
Central	0.221 (0.000)	0.010 (0.957)	0.438 (0.000)	16.463 (0.013)
Central Highlands	0.333 (0.000)	0.333 (0.000)	0.333 (0.000)	2.902E-10 (1.000)
East	0.740 (0.000)	1.037 (0.000)	0.141 (0.308)	1.106 (0.913)
North	0.344 (0.000)	0.113 (0.000)	0.391 (0.000)	7.624 (0.000)
North East	0.279 (0.000)	1.142 (0.000)	0.376 (0.000)	-24.148 (0.002)
South	0.338 (0.000)	0.464 (0.000)	1.324 (0.000)	-42.853 (0.000)
South East	0.276 (0.000)	0.059 (0.000)	0.369 (0.000)	13.910 (0.000)
West	0.189 (0.000)	0.629 (0.019)	0.400 (0.000)	-3.316 (0.740)

Source: Research result.

Analysis of Human Deprivation Index in Central Regions of Afghanistan (Kabul, Wardak, Kapisa, Logar, Parwan, and Panjshir)

In this statistical and regression analysis of the central regions of Afghanistan (Kabul, Wardak, Kapisa, Logar, Parwan, and Panjshir), we initially examine the descriptive statistics. The mean Human Deprivation Index for the central regions (HDepI - Central) is 47.13, with a standard deviation of 13.46. Furthermore, the mean Wealth Index for the central regions (Wealth_Central) is 40.51, with a standard deviation of 8.93. About the field of education (Education_Central), the mean is 31.55, with a standard deviation of 0.71. In the domain of health (Health - Central), the mean is 69.34 with a standard deviation of 30.72.

The regression model shows a perfect fit, with R, R-squared, and adjusted R-squared all equal to 1.000, and a very low standard error, confirming that the model accurately explains variations in the Human Deprivation Index (HDepI). ANOVA results support the model's significance, with a high F-value and a p-value of 0.000. The constant value of 16.463 represents the baseline HDepI without any independent variables. Among the predictors, health and wealth have significant positive effects on HDepI, with coefficients of 0.438 and 0.221, respectively. In contrast, education has a minimal and statistically insignificant impact, with a coefficient of 0.010 and a high p-value, indicating it does not meaningfully influence HDepI in these regions.

In conclusion, the results of this analysis demonstrate that health and wealth have a significant and substantial impact on the Human Deprivation Index in the central regions of Afghanistan. Conversely, the impact of education on the Index is not significant. These findings can assist policymakers in prioritizing the improvement of health and wealth in their planning and decision-making processes, to enhance the Human Deprivation Index.

Analysis of Human Deprivation Index in the Central Highlands of Afghanistan (Bamyan and Daikundi)

In this statistical and regression analysis of the central highlands of Afghanistan (Bamyan and Daikundi), we initially examine the descriptive statistics. The mean Human Deprivation Index for the central highlands (HDepI - Central) is 56.06, with a standard deviation of 17.98. Furthermore, the mean Wealth Index for the central highlands (Wealth Central Highlands) is 44.44, with a standard deviation of 8.91. About the field of education, the

mean is 30.56, with a standard deviation of 0.45. In the domain of health (Health - Central Highlands), the mean is 47.39 with a standard deviation of 8.90.

The regression model demonstrates an exceptional fit, with R, R-squared, and adjusted R-squared values all at 1.000, and an extremely low standard error of 0.000000314222, indicating that the independent variables—wealth, education, and health—comprehensively explain the variations in the Human Deprivation Index (HDepI). ANOVA results further confirm the model's significance, with a sum of squares of 3557.410, degrees of freedom at 3, a mean square of 1185.803, an F-value of 8,576,396.459, and a significance level of 0.000. The model's constant is 0.000, suggesting that in the absence of all predictors, the HDepI would be zero. Each independent variable—wealth, education, and health—has an equal and statistically significant positive coefficient of 0.333, indicating that increases in any of these factors are associated with proportional increases in the HDepI within the Central Highlands.

The significance level (Sig.) for all coefficients is 0.000, indicating a high level of significance. In other words, all independent variables (wealth, education, and health) have a major impact on the Human Deprivation Index, and the regression model has successfully captured these effects.

In conclusion, the analysis demonstrates that wealth, education, and health exert a significant and equal impact on the Human Deprivation Index in the central highlands of Afghanistan. These findings can assist policymakers in prioritizing these sectors in their planning and decision-making processes, with the aim of improving the Human Deprivation Index by enhancing wealth, education, and health.

Analysis of Human Deprivation Index in Eastern Regions of Afghanistan (Nangarhar, Kunar, Laghman, and Nuristan)

In this statistical and regression analysis of the Eastern regions of Afghanistan (Nangarhar, Kunar, Laghman, and Nuristan), we first examine the descriptive statistics. The mean Human Deprivation Index for the Eastern regions (HDepI - East) is 58.51, with a standard deviation of 3.77. Furthermore, the mean Wealth Index for the Eastern regions (Wealth_East) is 63.55, with a standard deviation of 8.37. About the field of education (Education_East), the mean is 46.48, with a standard deviation of 3.75. In the domain of health (Health - East), the mean is 65.50 with a standard deviation of 0.80.

The regression model shows a perfect fit, with R, R-squared, and adjusted R-squared values all at 1.000 and a low standard error of 0.0125, indicating strong explanatory power. ANOVA results support the model's significance with a high F-value and a p-value of 0.000. The constant value is 1.106, suggesting that in the absence of education, health, and wealth, the Human Deprivation Index (HDepI) would be 1.106. Among the variables, education (coefficient = 1.037) and wealth (coefficient = 0.740) have significant positive effects on HDepI in the Eastern region. However, health (coefficient = 0.141) does not show a statistically significant impact.

The significance level (Sig.) for the coefficients representing education and wealth is 0.000, indicating a high level of significance. In other words, education and wealth have a significant impact on the Human Deprivation Index, and the regression model has successfully captured these effects. The coefficient for health, with a significance level of 0.308, indicates that the impact of health on the Human Deprivation Index is not statistically significant.

In conclusion, the results of this analysis demonstrate that education and wealth exert a significant and substantial influence on the Human Deprivation Index in the Eastern regions of Afghanistan, whereas the impact of health is not statistically significant. These findings can assist policymakers in prioritizing the improvement of education and wealth in their planning and decision-making processes, to enhance the Human Deprivation Index.

Analysis of Human Deprivation Index in Northern Regions of Afghanistan (Samangan, Sar-e Pol, Balkh, Jawzjan, and Faryab)

In this statistical and regression analysis of the Northern regions of Afghanistan (Samangan, Sar-e Pol, Balkh, Jawzjan, and Faryab), we initially examine the descriptive statistics. The mean Human Deprivation Index for the Northern regions (HDepI-North) is 61.98, with a standard deviation of 20.39. Furthermore, the mean Wealth Index for the Northern regions (Wealth_North) is 48.28 with a standard deviation of 17.54. About the field of education (Education_North), the mean is 41.07, with a standard deviation of 6.90. In the domain of health (Health - North), the mean is 96.58 with a standard deviation of 36.74.

The regression model summary indicates a perfect fit of the model, as evidenced by an R-value of 1.000 and an R-squared value of 1.000. Additionally, the adjusted R-squared value is 1.000, and the standard error of the estimate is 0.0179. These values demonstrate that the model has effectively elucidated

the variations in the Human Deprivation Index through the utilization of the independent variables.

In the ANOVA, the sum of squares is 4572.974, the degrees of freedom are 2, the mean square is 2286.487, the F value is 7107828.017, and the significance level is 0.000. These findings demonstrate that the regression model has effectively elucidated the underlying variations in the Human Deprivation Index.

The value of the constant in this model is 7.624. This value indicates that if all independent variables (Wealth, Health, and Education) are equal to zero, the Human Deprivation Index will be 7.624.

In the Northern region, wealth, health, and education all have a significant positive impact on the Human Deprivation Index. A one-unit increase in the wealth index raises deprivation by 0.344 units, while a one-unit rise in the health index increases it by 0.391 units. Similarly, education contributes 0.113 units per one-unit increase. All coefficients are statistically significant ($p = 0.000$), showing that the regression model effectively captures the influence of these variables on human deprivation.

The significance level (Sig.) for the coefficients of wealth, health and education is 0.000, which indicates high significance. In other words, wealth, health, and education have a significant impact on the human deprivation index, and the regression model has successfully captured these effects.

This analysis shows that wealth, health, and education have a significant and substantial impact on the Human Deprivation Index in the Northern regions of Afghanistan. These results can help policymakers focus on improving wealth, health, and education in their planning and decision-making to improve the Human Deprivation Index.

Analysis of Human Deprivation Index in Northeastern Regions of Afghanistan (Baghlan, Takhar, Badakhshan, and Kunduz)

In this statistical and regression analysis of the Northeastern regions of Afghanistan (Baghlan, Takhar, Badakhshan, and Kunduz), we initially examine the descriptive statistics. The mean Human Deprivation Index for the Northeastern regions (HDepI - North East) is 62.13, with a standard deviation of 9.31. Furthermore, the mean Wealth Index for the Northeastern regions (Wealth_North East) is 53.02 with a standard deviation of 7.80. About the field of education (Education_North East), the mean is 47.10, with a standard

deviation of 2.26. In the domain of health (Health - North East), the mean is 86.28 with a standard deviation of 17.88.

The regression model summary reveals that the R-squared value is 1.000, indicating a perfect fit of the model. Additionally, the adjusted R-squared value is 1.000, and the standard error of the estimate is 0.0195. These values demonstrate that the model has effectively elucidated the variations in the Human Deprivation Index through the utilization of the independent variables.

The ANOVA shows that the regression model significantly explains the variation in the Human Deprivation Index, with a high F-value of 1,250,375.822 and a significance level of 0.000. This confirms the model's effectiveness in capturing the influence of the independent variables.

The constant value is -24.148, indicating that without education, health, and wealth, the Human Deprivation Index would be negative. This reflects the baseline condition in the absence of these factors. In the Northeast region, education has a strong positive effect on deprivation, with a coefficient of 1.142. Health also contributes positively, with a coefficient of 0.376, and wealth follows with a coefficient of 0.279. All three variables are statistically significant, showing that increases in education, health, and wealth are associated with higher levels of human deprivation in this context.

The significance level (Sig.) for the education, health, and wealth coefficients is 0.000, indicating a high level of significance. In other words, the regression model has demonstrated that education, health, and wealth have a significant impact on the Human Deprivation Index.

In conclusion, the analysis demonstrates that education, health, and wealth have a significant and substantial impact on the Human Deprivation Index in the Northeastern regions of Afghanistan. These findings can assist policymakers in prioritizing the improvement of education, health, and wealth in their planning and decision-making processes, to enhance the Human Deprivation Index.

Analysis of Human Deprivation Index in Southern Regions of Afghanistan (Uruzgan, Helmand, Zabul, Nimroz, and Kandahar)

In this statistical and regression analysis of the Southern regions of Afghanistan (Uruzgan, Helmand, Zabul, Nimroz, and Kandahar), we initially examine the descriptive statistics. The mean Human Deprivation Index for the Southern regions (HDepI - South) is 67.22, with a standard deviation of 11.68. Furthermore, the mean Wealth Index for the Southern regions

(Wealth_South) is 62.70, with a standard deviation of 13.39. About the field of education (Education_South), the mean is 71.81, with a standard deviation of 16.26. In the domain of health (Health - South), the mean is 67.15 with a standard deviation of 5.41.

The regression model summary indicates a perfect fit of the model, as evidenced by an R-value of 1.000 and an R-squared value of 1.000. Additionally, the adjusted R-squared value is 1.000, and the standard error of the estimate is 0.0071. These values demonstrate that the model has effectively elucidated the variations in the Human Deprivation Index through the utilization of the independent variables.

In the ANOVA, the sum of squares is 1501.309, the degrees of freedom are 2, the mean square is 750.655, the F value is 14873306.259, and the significance level is 0.000. These results indicate that the regression model has significantly explained the variations in the Human Deprivation Index.

The constant value in this model is -42.853. This value indicates that in the absence of all independent variables (wealth and health), the Human Deprivation Index will be -42.853.

The variable designated as "Wealth" (in this case, "Wealth_South"): The coefficient for wealth is 0.338. This coefficient indicates that with an increase of one unit in the wealth index, the Human Deprivation Index increases by 0.338 units. This coefficient is statistically significant, indicating a positive and substantial impact of wealth on human deprivation in these regions.

The variable designated "Health-South" represents the state of health in the region. The coefficient for health is 1.324. This coefficient indicates that with an increase of one unit in the health index, the Human Deprivation Index increases by 1.324 units. This coefficient is statistically significant, indicating a positive and substantial impact of health on human deprivation in these regions.

The significance level (Sig.) for each variable is 0.000, indicating a high level of significance. In other words, education, wealth, and health have a significant impact on the Human Deprivation Index, and the regression model has successfully captured these effects.

In conclusion, the results of this analysis demonstrate that education, wealth, and health have a significant and substantial impact on the Human Deprivation Index in the Southern regions of Afghanistan. These findings can assist policymakers in prioritizing the enhancement of wealth and health in their planning and decision-making processes, thereby facilitating the improvement of the Human Deprivation Index.

Analysis of the Human Deprivation Index in Southeastern Regions of Afghanistan (Ghazni, Paktia, Paktika, and Khost)

In this statistical and regression analysis of the Southeastern regions of Afghanistan (Ghazni, Paktia, Paktika, and Khost), we first examine the descriptive statistics. The mean Human Deprivation Index (HDepI) for the Southeastern regions is 59.28, with a standard deviation of 24.01. Furthermore, the mean Wealth Index for the Southeastern regions (Wealth_South East) is 50.91, with a standard deviation of 10.69. About the field of education (Education_South East), the mean is 42.05, with a standard deviation of 4.26. In the domain of health (Health - South East), the mean is 84.88 with a standard deviation of 57.10.

The regression model summary reveals that the R-squared value is 1.000, indicating a perfect fit of the model. Additionally, the adjusted R-squared value is 1.000, and the standard error of the estimate is 0.0102. These values demonstrate that the model has effectively elucidated the variations in the Human Deprivation Index through the utilization of the independent variables.

In the ANOVA, the sum of squares is 6343.545, the degrees of freedom are 2, the mean square is 3171.772, the F value is 30344562.959, and the significance level is 0.000. These results indicate that the regression model has significantly explained the variations in the Human Deprivation Index.

The constant value in this model is 13.910. This value indicates that in the absence of all independent variables (wealth, health, and education), the Human Deprivation Index will be 13.910.

The variable designated as "Wealth" (Wealth_South East) is defined as follows: The coefficient for wealth is 0.276. This coefficient indicates that with an increase of one unit in the wealth index, the Human Deprivation Index increases by 0.276 units. This coefficient is statistically significant, indicating a positive and substantial impact of wealth on human deprivation in these regions.

The health coefficient for the South East region is 0.369. It indicates that with an increase of one unit in the health index, the Human Deprivation Index increases by 0.369 units. This coefficient is statistically significant, indicating a positive and substantial impact of health on human deprivation in these regions.

The coefficient for education in the South East region is 0.059. This coefficient indicates that with an increase of one unit in the education index, the Human Deprivation Index increases by 0.059 units. This coefficient

is statistically significant, indicating a positive and substantial impact of education on human deprivation in these regions.

The significance level (Sig.) for the wealth, health, and education coefficients is 0.000, indicating a high level of significance. In other words, the variables of wealth, health, and education have a significant impact on the Human Deprivation Index, and the regression model has successfully captured these effects.

In conclusion, the analysis demonstrates that wealth, health, and education exert a significant influence on the Human Deprivation Index in the Southeastern regions of Afghanistan. These findings can assist policymakers in prioritizing the improvement of wealth, health, and education in their planning and decision-making processes to enhance the Human Deprivation Index.

Analysis of the Human Deprivation Index in Western Regions of Afghanistan (Ghor, Herat, Badghis, and Farah)

In this statistical and regression analysis of the Western regions of Afghanistan (Ghor, Herat, Badghis, and Farah), we first examine the descriptive statistics. The mean Human Deprivation Index (HDepI) for the Western regions is 66.13, with a standard deviation of 18.84. Furthermore, the mean Wealth Index for the Western regions (Wealth_West) is 52.70, with a standard deviation of 10.67. About the field of education (Education_West), the mean is 48.68, with a standard deviation of 2.16. In the domain of health (Health - West), the mean is 97.03 with a standard deviation of 43.69.

The regression model summary indicates a perfect fit of the model, as evidenced by an R-value of 1.000 and an R-squared value of 1.000. Additionally, the adjusted R-squared value is 1.000, and the standard error of the estimate is 0.0223. These values demonstrate that the model has effectively elucidated the variations in the Human Deprivation Index through the utilization of the independent variables.

In the ANOVA, the sum of squares is 3905.120, the degrees of freedom are 2, the mean square is 1952.560, the F value is 3942400.861, and the significance level is 0.000. These findings demonstrate that the regression model has effectively elucidated the underlying variations in the Human Deprivation Index.

1. The constant represents the mean value of the dependent variable when all the independent variables are held constant at their mean values. The constant value in this model is -3.316. This value indicates that if all

independent variables (wealth, health, and education) are set to zero, the Human Deprivation Index will be -3.316.

2. Education (Education_West): The coefficient for education is 0.629. This indicates that with a one-unit increase in the education index, the Human Deprivation Index increases by 0.629 units. The coefficient is significant, indicating a positive and substantial impact of education on human deprivation in these regions.

The variable designated "Wealth (Wealth_West)" is defined as follows: The coefficient of wealth is 0.189. This coefficient indicates that with an increase of one unit in the wealth index, the Human Deprivation Index increases by 0.189 units. This coefficient is statistically significant, indicating a positive and substantial impact of wealth on human deprivation in these regions.

The significance level (Sig.) for the education, health, and wealth coefficients is 0.000, indicating a high level of significance. In other words, the regression model has demonstrated that education, health, and wealth have a significant impact on the Human Deprivation Index.

In conclusion, the results of this analysis demonstrate that education, health, and wealth have a significant impact on the Human Deprivation Index in the Western regions of Afghanistan. These findings can assist policymakers in prioritizing the improvement of education, health, and wealth in their planning and decision-making processes to enhance the Human Deprivation Index.

Conclusion

This study on Human Deprivation and Its Disparities in Afghanistan with its Regions (2007-2018) employs the Human Deprivation Index (HDI) to reveal significant regional variations in multidimensional poverty across Afghanistan's eight regions. Utilizing the Human Deprivation Index (HDepI), which was developed through the UNDP's Human Development Index methodology and the Alkire-Foster framework, the study demonstrates a decline in deprivation from 83.9% in 2007 to 35.76% in 2018. The Southeastern regions (Ghazni, Paktia, Paktika, Khost) exhibited the most significant decrease (96.46 to 23.84), while the Eastern regions (Nangarhar, Kunar, Laghman, Nuristan) demonstrated the least (64.27 to 52.74).

Regression analyses underscore the heterogeneous impacts of health, education, and wealth on deprivation. In the central regions, health (coefficient 0.438) and wealth (0.221) have been identified as significant contributors

to the HDepI, while education (0.010) is non-significant. Conversely, the central highlands exhibit an equal contribution from all three dimensions, with each dimension contributing 0.333 to the model. In contrast, Eastern regions exhibit a divergent pattern, with education (1.037) and wealth (0.740) assuming a dominant role, while health (0.141) demonstrates insignificance. The coefficients for the Northern, Northeastern, Southern, Southeastern, and Western regions are significant, with variations in the coefficients across regions.

The study's findings underscore the necessity for region-specific interventions, namely the improvement of health in the central and Southern regions, education in the Eastern and Northeastern regions, and wealth in the Southeastern and Western regions. Addressing systemic issues, such as conflict and gender inequality, is imperative to ensure the continuity of progress.

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TOWARDS A GLOBAL CYBERSECURITY REGIME

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Abstract

The increasing dependence of modern societies on digital networks has heightened their vulnerability to cyber-threats, ranging from human error to state-sponsored malicious attacks. This dissertation examines the potential of a global cybersecurity regime to contribute to international peace and security. Through qualitative research analysing cybersecurity literature, governmental documents, and UN resolutions, it assesses geopolitical challenges stemming from cyberspace, the desirability of a cybersecurity framework to address them, and its feasibility. A global regime could foster stability in the cyber-domain, and, while significant obstacles towards it exist, international efforts suggest progress is possible.

Keywords: Cybersecurity. Balance of Power. International Relations. International Security.

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RUMO A UM REGIME GLOBAL DE SEGURANÇA CIBERNÉTICA

Resumo

A crescente dependência das sociedades modernas em redes digitais vem aumentando a vulnerabilidade às ameaças cibernéticas, que vão desde erros humanos até ataques maliciosos patrocinados pelo Estado. Esta dissertação examina o potencial de um regime global de segurança cibernática que contribua para a paz e a segurança internacionais. Por meio de uma pesquisa qualitativa que analisa a literatura sobre segurança cibernética, documentos governamentais e resoluções da ONU, o trabalho avalia os desafios geopolíticos decorrentes do espaço cibernético, a conveniência de uma estrutura de segurança cibernética para enfrentá-los e sua viabilidade. Um regime global poderia promover a estabilidade no domínio cibernético e, embora existam obstáculos significativos para isso, os esforços internacionais sugerem que o progresso é possível.

Palavras-chave: Cibersegurança. Equilírio de poder. Relações Internacionais. Segurança Internacional.

HACIA UN RÉGIMEN MUNDIAL DE CIBERSEGURIDAD

Resumen

La creciente dependencia de las sociedades modernas de las redes digitales ha aumentado su vulnerabilidad ante las ciberamenazas, que van desde los errores humanos hasta los ataques maliciosos patrocinados por Estados. Esta tesis examina el potencial de un régimen mundial de ciberseguridad para contribuir a la paz y la seguridad internacionales. A través de una investigación cualitativa que analiza la bibliografía sobre ciberseguridad, documentos gubernamentales y resoluciones de las Naciones Unidas, evalúa los retos geopolíticos derivados del ciberespacio, la conveniencia de un marco de ciberseguridad para abordarlos y su viabilidad. Un régimen global podría fomentar la estabilidad en el ciberespacio y, aunque existen obstáculos importantes para su consecución, los esfuerzos internacionales sugieren que es posible avanzar.

Palabras clave: Ciberseguridad. Equilibrio de poder. Relaciones internacionales. Seguridad internacional.

Introduction

The digital transformation of modern societies has been a driver of development and well-being. At the same time, societies have become increasingly contingent upon the constant and correct functioning of digital information network systems, much as they largely depend on, for instance, the availability of electricity. This dependency entails vulnerabilities to inherited flaws, human errors, accidents or malicious actions that may adversely affect those systems.

This vulnerability is not new. Throughout history, information systems have presented challenges. Long before electronic networks emerged, advances in communication technology had been exploited by "hackers." As early as 1834, criminals breached the French telegraph system to transmit hidden information about and profit from the national financial market (Standage and Stevenson 2018). The birth of cyberspace occurred 135 years later, with the first computer connection established between the University of California and Stanford University (Singer and Friedman 2014, 16–18). By the early 1970s, efforts were already being made to address vulnerabilities in electronic systems (U.S. Cyber Command 2024). The first cyberattack with significant physical consequences may have occurred in 1982, when the Urengoy-Surgut-Chelyabinsk pipeline in Russia exploded, allegedly due to software sabotage by the CIA (Rid 2013, 4–5). A new source and means of international conflict and power was emerging.

The world was recently reminded of the extent of today's cyber-vulnerability. In mid-July 2024, chaos ensued after human error disabled digital systems across the world, including essential services such as banking, healthcare and air travel (Plummer and Gerken, 2024). This resulted from failures in cloud-based security software updates by CrowdStrike, which is used by Microsoft's main platforms. While this event was unintended, it was perhaps the latest large-scale warning of the potential scope and reach of harm an offensive cyber-operation could achieve, worldwide and with immediate effects, especially when carried out with geopolitical goals.

Research question

This warning renewed the call to address this new, global and digital avenue for malicious actions. In this context, this dissertation will focus on interstate conflict in cyberspace and ways to avoid it and uphold stability, under the main question "to what extent could a global cybersecurity regime

contribute to international peace and security?" As will be seen next, the main question will be supported by two secondary ones, the first related to the context in which it is found, and the second related to the feasibility of such a regime.

Approach and structure

This dissertation is based on qualitative research focussed both on cybersecurity literature and analysis of primary sources, including government documents, official speeches in multilateral fora, and United Nations resolutions and reports. Combined, these materials provide a broad theoretical and empirical basis for assessing the challenges and developments relating to an international framework of responsible state behaviour in cyberspace and the prospects of a global security regime for this dimension, aimed at mitigating threats to international peace and security.

Following this introduction, three Chapters will discuss the different aspects involved with such a prospect. Chapter 1, "Cybersecurity challenges," will provide the background for answering the main question. First, it will assess the international strategic landscape derived from the nature of cyberspace, in particular how it affects states' power and geopolitical rivalry, becoming a source of international instability. Second, with a view to exploring systemic ways to mitigate cybersecurity challenges, the Chapter will review liberal institutionalist assumptions and assessments of international regimes, as frameworks of incentives that may mitigate threats to peace and security. These incentives are not seen as unequivocal or inevitable but may be effective in avoiding violent interstate conflict.

Chapter 2, "Desirability of a regime," will most directly address the main question. It will first cover domestic options to address cyber-threats and their likely international consequences. It will then contrast these with the possible contributions from a global cybersecurity regime, arguing that the latter provides preferable incentives, despite its limitations. In particular, the definition and clarification of norms of state behaviour in cyberspace, if broadly shared, would diminish ambiguities and avoid misperceptions. By combining this with global efforts towards cyber-resilience through capacity-building, a regime could provide strong enough influence to alter cost-benefit perceptions, discouraging state-sponsored malicious cyber-operations and favouring stability in the digital dimension.

However, a global cybersecurity regime would confront important limitations. If a global cybersecurity regime is to contribute to international

peace and security, it is necessary to assess how attainable and effective it would be. In addition to the challenges faced by regimes in general, a cybersecurity one would encounter new layers of difficulties for its establishment and running, both technical and political. These will be explored in Chapter 3, "Feasibility of a regime." This Chapter will argue that, despite their magnitude, they are not insurmountable, and have been addressed, with some degree of success, by the international community. While the emergence of a global cybersecurity regime is not inevitable and will further demand significant efforts, the UN General Assembly (UNGA) has already taken important steps in that direction.

1. Cybersecurity challenges

This Chapter will first introduce the international challenges derived from cyberspace and then provide a review of the liberal institutionalist's perspective on regime theory. It will outline the theoretical framework for the following ones, providing the background to assess this dissertation's main question.

International security and cyberspace

This section will briefly review the nature of cyberspace, as it differs from the "traditional" domains of geopolitical rivalry, and how it affects international security. To that end, it will provide a definition and context of cyberspace and cyberpower, and evaluate how these affect the international security environment.

Definition and context

For the purpose of this work, cyberspace will be understood as the man-made virtual domain formed by three mutually dependent layers: physical (hardware and associated infrastructure); logical (data, software and protocols); and cognitive/social (related to interaction of human users). This dissertation will use the term 'cyberspace' as a synonym for 'information and communication technology (ICT) environment.'

As all human systems (finance, communication, military and so on) come to be dependent on the constant availability of digital infrastructure and software, malicious cyber-operations could, in principle, disrupt any cyber-system anywhere. In this sense, a "laptop can produce global consequences" (Kissinger 2014, 345). While the CrowdStrike incident mentioned in the

Introduction was unintended, several others have demonstrated the capacity of malicious cyber-operations to inflict significant harm, including with political goals.

Two milestones are particularly illustrative. At the end of 2009, the malware "Stuxnet" affected the centrifuges in the Iranian nuclear enrichment plant in Natanz and imposed a severe setback on the country's nuclear programme (Kello 2013, 19–20). In late April 2022, Costa Rica became the first country to declare a state of emergency following massive cyberattacks that disabled several essential national services. The attackers called for the overthrow of the federal government (Burgess 2022). These and other cyber-incidents have demonstrated that cyberspace has become a dimension of international conflict (Clarke and Knake 2010, 6–30).

The possibilities of malicious actions in or from cyberspace, across and through its multiple layers, have opened unprecedented avenues for the conduct of interstate geopolitical rivalry. This is a direct result from the dimension's main characteristics: anonymity and opacity (and consequent deniability of operations); intangibility of capabilities; virtual suppression of distances and time; and global reach (Betz and Stevens 2011, 9–10). Cyberspace provides a set of possibilities for hostile actions, including espionage, monitoring, subversion, disruption and sabotage (Belk and Noyes 2012, 5).

Different scholars consider states' cyber-capabilities as "strategic levers," given their capacity to heighten conventional instruments of power (Nye 2011, 123; Sheldon 2011, 104; Kissinger, Schmidt and Huttenlocher 2021, 150). Such capabilities become, themselves, resources of power (Nye 2011, 123), which can be instrumentalized to manipulate the security environment and produce "preferred outcomes" within or outside cyberspace (Nye 2014, 5).

Security environment

Geopolitical rivalries have been shifting from the kinetic to the virtual dimension (Kissinger 2014, 347), and states have recognised that cyber-tools can threaten their security. NATO's 2022 Strategic Concept affirms that "[c]yberspace is contested at all times" (NATO 2022, 5) potentially leading Alliance members to invoke Article 5 of NATO's Treaty (ibid., 7). The UN member-states have expressed concern regarding the development of cyber-capabilities "for military purposes" and their possible use in future conflicts, acknowledging that threats stemming from cyberspace can be a source of international volatility (United Nations General Assembly, A/RES/75/240, 2020). The latter derives from the defence and offence challenges that cyberspace engenders, which alter states' strategic calculations.

Defence challenges

Defence premises against cyberattacks differ sharply from those against kinetic ones. Offensive cyber-operations are unpredictable, and the defender may be unaware of vulnerabilities that could be exploited by intangible and unknown cyber-capabilities of rivals (Kello 2017, 68–69). There is a high degree of uncertainty regarding the identity of the attacker (ibid., 129–130). Finally, cyber-conflict is marked by a crucial paradigm shift, from territorial defence against invasion, to the assumption that the cyber-enemy is already in, undetected (ibid., 6).

Another central challenge concerns the threshold problem. There is a lack of reference of when a cyber-attack would equate a kinetic one. Attackers may thus engage in a series of low-level cyber-aggressions, testing a defender's reactions and reaping benefits while trying to avoid triggering a major response (Mazarr 2018, 10; Kello 2022, 13).

Offence challenges

In this scenario, some states have established policies of "preemptive attack." The USA, for example, acknowledges that it has been "actively disrupting malicious cyber-activity before it can affect the U.S. Homeland" (United States of America 2023, 1). Preemptive attacks may also seek to guarantee that, in a future situation of open hostility, a state will be able to penetrate and disrupt a rival's digital systems (Andres 2012, 94–95).

Such policies, however, widen the scope for mistakes, accidents, and inadvertent escalation, while fast or automatic digital reactions and counter-reactions may decrease de-escalation opportunities (Eilstrup-Sangiovanni 2018, 387). Furthermore, malicious cyber-activities aimed at future disruption of a digital system may promptly disable it, and malwares could spread further than originally planned (Andres 2012, 94–95). These preemptive policies also contribute to a larger scenario of systemic volatility, as they circumvent international law, which disciplines and limits the use of force to very specific cases.[2]

Strategic landscape

These challenges engender significant problems for strategic assessments and balance of power dynamics. If a nation's power could once be assessed by a combination of factors such as population, economic robustness and

2 See, for instance, Arts. 2.4 and 51 of the UN Charter.

military equipment (Kissinger 2014, 344), relative power calculations today are complicated by the opacity of cyber-capabilities (Eilstrup-Sangiovanni 2018, 390). As Kissinger, Schmidt, and Huttenlocher warn, "[w]hen the calculation of equilibrium becomes uncertain, or when nations arrive at fundamentally different calculations of relative power, the risk of conflict through miscalculation reaches its height" Kissinger, Schmidt and Huttenlocher 2021, 151).

This volatility is accompanied by the blurring of the frontier between war and peace in cyberspace. Kello has coined the term "unpeace" to characterise this state of affairs. He defines it as a "mid-spectrum rivalry lying below the physically destructive threshold of interstate violence, but whose harmful effects far surpass the tolerable level of peacetime competition and possibly, even, of war" (Kello 2017, 78).

While cyberspace becomes "strategically indispensable" (Kissinger 2014, 346), there is a severe lack of common understanding not only regarding the "rules of the game" of cyber-rivalry (Hurwitz 2013-2014, 21–22), but, more importantly, of the changing international security landscape itself (Kissinger 2014, 344). This scenario deprives states of the common assumptions and references necessary to conduct restrained conflict (Kello 2013, 31).

How to tackle this new reality? Regime theory argues, among other points, that states may, through international institutions, succeed in reducing uncertainty and perceptions of vulnerability. The academic literature on this will be addressed in the next part of this Chapter.

Regime theory

Advocates of international regimes argue that states may mutually benefit from institutions. This dissertation will apply this argument to cyberspace in order to assess the extent to which a global regime could address the challenges that emerge from this new dimension of interstate rivalry.

To that end, this section will briefly (1) explain the theoretical focus of this dissertation; (2) review the main literature on international regimes; and (3) introduce the application of regime theory assumptions to cyberspace, which will be further explored in the next Chapters.

Theoretical focus

States. While non-state actors may also employ cyber-tools to inflict considerable harm in and from the cyber-dimension, this dissertation will focus on states, which are (still) the main actors in the international security framework, including in cyberspace (Goodman, 2010, p. 105).

Liberal institutionalism. Regime theory assumes that interstate conflict is not inevitable. This view is best developed by the liberal institutionalism school of International Relations (IR), which will be applied in this work. An alternative approach would be to adopt the constructivist perspective of norm formation and influence on state behaviour (Fazal, 2024). However, the development of the so-called "norms of responsible state behaviour in cyberspace"[3] derives from states' negotiations and focuses on threats to states' material capabilities, especially critical infrastructure. Moreover, the opaque nature of cyberspace adds an extra layer of difficulty in observing the formation of norms through social interaction, as well as how they may actually affect state behaviour (Checkel 1998, 340). Although such difficulties also impose challenges on liberal institutionalism's perspective on regime formation, the choice to adopt this approach derives from the fertile material provided by the UNGA discussions of those very norms and of a future permanent, universal mechanism dedicated to cybersecurity.

"Global" cybersecurity regime. The word "global" was chosen to stress universality in terms of the membership and reach of such a regime, as opposed to more limited ones that are also international (e.g., regional, cross-regional etc.). Crucially, this indicates the necessity of having rival states interacting under mutually agreed rules and procedures.

Liberal institutionalism and critics

Krasner defines regimes as "sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations" (Krasner 1982, 186). For Keohane, states follow such principles, norms, rules and procedures, abdicating part of their freedom of action, because they expect to obtain mutual gains, even in the absence of a higher authority to oversee or guarantee compliance to the regime (Keohane 1982, 332). Regimes are beneficial because they provide a framework to reduce transaction costs, creating "a more favourable institutional environment for cooperation than would otherwise exist," thus facilitating negotiations and legitimising state actions (Krasner 1982, 334–338; Keohane 1984, 244; Nye 2014, 5). According to Nye, states already obtain benefits from existing norms in the digital realm, which, for instance, underpins the functioning of the internet (Nye 2014, 5–7).

Liberal institutionalism's view of regimes is far from consensual. Susan Strange asserts that international regimes tend to serve as "instruments of

3 Officially adopted through UNGA Resolution 71/28 (December 2016).

the structural strategy and foreign policy of the dominant state or states" (Strange 1982, 484), in such a way that the regime lenses are "biased toward the status quo" (ibid., 488). In the same vein, Mearsheimer affirms that powerful states may support regime building, but only to maintain or increase their own power (Mearsheimer 1994-1995, 13). Moreover, he highlights the uncertainty derived from the possibility of cheating at the established rules and norms (ibid.).

Even advocates of regimes recognize limits and challenges faced by international regimes. Keohane points, for instance, to their comparative fragility when compared to domestic rules and norms. This is due to the decentralised, anarchic and self-help nature of the international system (Keohane 1984, 62). While this recognition converges with some of the arguments raised by critics of regimes, liberal institutionalists stress that regime theory does not disregard "power and interests," nor intend to "constitute a panacea for violent conflict." It rather aims at shedding light on when and how regimes may impact state behaviour (Keohane and Martin 1995, 50). An example is through the provision of high-quality information that would, among other things, reduce uncertainty by discouraging cheating and mutual distrust (ibid., 49).

Regimes and international peace and security

Regimes could contribute to the stability of the international system by, for example, preventing the so-called "security dilemma," a dynamic circumstance in which a nation's security improvement is perceived as a menace by a rival. This perception of vulnerability derives from uncertainty regarding a state's intentions vis-à-vis others under an anarchic system.

A situation of security dilemma may result in an arms race and uncontrolled escalation (Jervis 1978, 169–170). Jervis warns that "unrestrained competition can harm all the actors," as "individualistic actions are not only costly but dangerous" (Jervis 1982, 358). Cyberspace is prone to the same risks. Kissinger alerts against the "self-defeating nature of unconstrained national conduct" in this realm (Kissinger, 2014, p. 346). To him, "absent some articulation of limits and agreement on mutual rules of restraint, a crisis situation is likely to arise, even unintentionally" (ibid.).

The establishment of any regime, however, is a complex endeavour. Jervis has examined these difficulties in the security field, compounded by the security dilemma. In his view, this makes international security regimes both desirable (given the risks of individual actions and resulting reactions) and

difficult (once "the fear that the other is violating or will violate the common understanding is a potent incentive for each state to strike out on its own even if it would prefer the regime to prosper") (Jervis 1982, 358). The next Chapters will address these features (desirability and difficulty) related to a possible cybersecurity regime.

Partial conclusion

This Chapter defined and contextualized cyberspace as a domain of interstate rivalry, prone to unprecedented volatile dynamics that may result in risks to international peace and security. While cyber-attacks have demonstrated how harmful they may be, there is a lack of standards for states to assess both the alteration of the strategic environment and of the rules of the game of the cyber-rivalry.

In turn, liberal institutionalists have pointed out how regimes may be of mutual benefit for states, preventing security dilemma dynamics, by, for example, establishing norms and promoting convergence of expected behaviour. To these scholars, while security regimes are not a panacea, they do support stability and may avoid violent international conflict.

The next Chapters will apply this view to the cyber-dimension. Following Jervis' assessment of security regimes as being desirable and difficult, they will assess the desirability (Chapter 2) and feasibility (Chapter 3) of establishing a global cybersecurity one.

2. Desirability of a regime

This Chapter will be divided into two sections. First, it will touch upon the main domestic approaches against cyber-threats and their impacts on international security. Second, it will assess how a global regime could contribute to international cybersecurity, pointing to what would constitute its central pillars. This second section will argue that a global regime could successfully increase systemic cybersecurity, while avoiding the shortcomings of offensive options. It will also consider some limitations of such a regime.

Domestic approaches

Scholars point to different options to address cyber-threats to international peace and security. While some domestic policies and strategies may tackle such threats, some of them may incite distrust and rivalry in and through cyberspace, being themselves a source of systemic instability.

Assessing the challenges imposed by state-sponsored hostile cyber-operations below the threshold of war, Kello affirms that possible solutions "must be found not primarily in current law and norms, but in … figuring out how to respond to activity – in order to deter its recurrence" (Kello 2022, 16). He argues that the current international framework of norms has failed to hinder state rivalry in cyberspace, and urges Western countries to develop a "new doctrine" that would avoid placing "the international order at the mercy of the players most eager to defy it" (ibid., 25).

This view converges with arguments supporting the strengthening of cyber-deterrence, especially with unilateral retaliatory policies (or "deterrence-by-punishment"). NATO, for example, has such a policy in place encompassing, and potentially crossing, all strategic dimensions, including cyberspace (NATO 2022, 6). However, deterrence-by-punishment involves significant challenges, including the need for a state to have the capability and the will to retaliate against aggressors (Mazarr 2018, 10). This approach is particularly complicated by the opaque nature of cyber-operations and the resulting difficulties of uncovering the perpetrators behind them. Even Kello admits that the attribution problem "weakens deterrence by reducing an assailant's expectation of unacceptable penalties" (Kello 2013, 33). Moreover, deterrence-by-punishment policies may fuel geopolitical rivalry and engender escalatory dynamics, given the blurred boundaries between defensive and offensive operations, the lack of clarity regarding what would constitute a proportionate retaliation, and the determination of some countries to punish across domains (NATO 2022, 6). As Mazarr warns, "threat-based deterrence strategies can go tragically wrong and provoke the very conflicts they are meant to avoid" (Mazarr 2018, 5).

In turn, "deterrence-by-denial" differs deeply from its retaliatory cousin. As seen, cyberattacks tend to be unpredictable and undetectable. As Stuxnet has shown, a malware might find its way into a digital system regardless of its defences and isolation (Clarke and Knake 2010, 292; Kello 2017, 197–198). This is not to say that deterrence-by-denial has no value. Stuxnet has also demonstrated that infecting a complex and well-defended system requires a level of resources available only to a limited number of international actors. Denial policies aiming at increasing the futility rate of possible attacks are thus valuable (Goodman 2010, 106). They are directly related to the system's resilience and hinge upon the availability of defence resources, including human skills, of the potential victim (Nye 2016-2017, 56–57). Despite being imperfect and uncertain, denial policies avoid the systemic shortcomings derived from offensive approaches, including "preemptive" ones (Chapter 1). On the contrary, the former entail systemic benefits, given that cyberattacks

may have cross-border ramifications (Kello 2017, 6). For that reason, denial policies a key element in a global cybersecurity regime.

As Nye underlines, in isolation, these domestic approaches can only have limited results. To be effective, they would need to be complemented with an international multi-layered framework aimed at deterring malicious cyber-actions (Nye 2016-2017, 62). In this vein, the next section will assess the most important of these layers, which would constitute the main pillars of a global cybersecurity regime.

Contributions of a global regime

Other scholars coincide with Nye in that a multi-layered, international framework of policies and strategies could effectively counter systemic threats to peace and security stemming from cyberspace (Goodman 2010, 109; Mazarr 2018, 11). Likewise, this dissertation will argue that the combination of global norms, capacity-building policies, and the resulting alteration of cost-benefit perceptions of malicious cyber-operations could create an architecture of incentives influential enough to shape states' behaviour and uphold stability in cyberspace.

Global norms

The establishment of a global cybersecurity regime, as defined by Krasner (Chapter 1), would require states to agree on the "rules of the game" around which expectations converge.

The drawing of clear lines of state behaviour would allow for restrained geopolitical rivalry in the digital domain (Eilstrup-Sangiovanni 2018, 383–384), avoiding, for example, unilateral policies that risk attracting "chaos in determining an appropriate response to cyberattacks," or drawing "adversaries to test the waters" by engaging in offensive operations below the threshold of war (Pratick 2018).

Crucially, the systemic threats stemming from the nature of cyberspace call for a global effort towards establishing rules of the game that are broadly shared. While restricted international initiatives may be valuable to raise awareness and initiate discussions on specific complex issues, they lack, by definition, universality and present an inherent legitimacy gap. They risk alienating major players and fuelling existing geopolitical rivalry and distrust. A recent example is the so-called "Pall Mall Process," focused on "tackling the proliferation and irresponsible use of commercial cyber intrusion capabilities" (United Kingdom 2024). According to the joint declaration approved in its

first meeting, Pall Mall partners would "engage in an ongoing and globally inclusive dialogue, complementary to other multilateral initiatives." This remains to be seen, as the list of participants is mostly formed by developed Western states and non-governmental entities.

Conversely, efforts towards establishing cybersecurity norms should aim at minimizing ambiguity globally, if they are to reduce risks of misperceptions and miscalculations (Hurwitz 2013-2014, 20–21). The international community has taken important steps in this direction. In 2015, the UNGA endorsed a framework of "Norms, rules and principles for the responsible behaviour of States" (United Nations General Assembly, A/70/174, 2015) and, in 2021, those norms were further developed (United Nations General Assembly, A/76/135, 2021). Though non-binding, the framework was endorsed by consensus,[4] conferring on it significant political weight.

Despite this achievement, there is still much to be done regarding ambiguity in cyberspace. There is a fundamental lack of common understanding even related to how international binding rules already in force apply in this realm. Some countries have been publishing unilateral positions on this issue, but national perspectives are still very broad and vague. The USA, for example, has affirmed that the right to self-defence may be triggered "by cyber activities that amount to an … armed attack," with no reference on how to arrive at that conclusion (United Nations General Assembly, A/76/136, 2021, 137). In this context, Brazil has recommended the "update [of] the multilateral understanding of which acts amount to the use of force and aggression, so as to include instances of cyberattacks" (ibid., 19).

A central ambiguity relates to the relationship between the principle of sovereignty and the layered and cross-border nature of cyberspace. For Israel, while "States occasionally do conduct cyber activities that transit through, and target, networks and computers located in other States … [u]nder international law, it is not clear whether these types of actions are violations of the rule of territorial sovereignty" (Schöndorf 2021, 403).

The controversy goes further. States differ in their understanding regarding the concept of sovereignty itself in relation to cyberspace. This issue divides even NATO allies. For the United Kingdom, "the general concept of sovereignty by itself [does not provide] a sufficient or clear basis for extrapolating a specific rule or additional prohibition for cyber conduct going beyond that of non-intervention" (United Nations General Assembly, A/76/136, 2021, 117).

4 The documents were endorsed by UNGA Resolutions 70/237 and 76/19, respectively.

In turn, Canada considers that "[i]t is axiomatic that the principle of sovereignty applies in cyberspace, just as it does elsewhere" (Canada 2024).

Arguably, if states are to avoid misperceptions, miscalculations and volatility in cyberspace, there is a need to consider common grounds and establish global norms for their operations, especially regarding those basic concepts and principles that have underpinned interstate relations at least since the Westphalian treaties. The international community has, at least since 2010, recognized that "the absence of common understanding regarding acceptable State behaviour may create the risk of instability and mispercept on" (United Nations General Assembly, A/65/10, 2021, para. 7).

Capacity-building

Capacity-building is key for national as well as overall cyber-resilience. "Capacity" in this context relates to having institutional maturity, as well as availability of appropriate national resources, including a skilled workforce, to prepare against and respond to cyber-incidents (Hurel 2022, 70). National capacity directly influences collective cybersecurity, given the possible cross-border nature of incidents, in particular risks to transnational supply-chains. The mid-2024 CrowdStrike incident (Introduction) is evidence of such global risks.

The international community recognizes the importance of capacity-building for cybersecurity. The ongoing Open-ended Working Group (OEWG) on security of and in the use of information and communications technologies, tasked by the UNGA to address cybersecurity challenges (United Nations General Assembly, A/RES/75/240, 2020, para. 1), has recently reaffirmed that capacity-building is transversal to different cyberspace challenges and contributes to building a secure and peaceful cyberdimension (United Nations General Assembly, A/79/214, 2024, 6).

Some regional initiatives are illustrative of international efforts to promote capacity-building and collective resilience. "CSIRTAmericas," of the Organization of American States (OAS), offers its members a platform for exchange of information, technical assistance and training for specialists, helping countries to improve their institutional preparedness against cyber-threats (Organization of American States 2024). The "ASEAN-Singapore Cybersecurity Centre of Excellence" (ASCCE) conducts research and training activities, facilitating communication and sharing of experience and cyber-threat related information and best practices (Cyber Security Agency of Singapore 2021).

Regional experiences could inspire a multilateral resilience mechanism. Some steps have already been taken in that direction. The OEWG approved, in 2023, principles to guide international capacity-building activities (United Nations General Assembly, A/78/265, 2023, annex C). In May 2024, it convened a first global high-level meeting on capacity-building at the UN Headquarters. Different stakeholders had an opportunity to share views on ways to mobilize and optimise the use of resources for sustainable international capacity-building action (United Nations Institute for Disarmament Research 2024, 17). Finally, in 2022, a "Global Intergovernmental Points of Contact Directory on the Use of ICTs in the Context of International Security" was established by the UNGA (United Nations Office for Disarmament Affairs 2024). The Directory aims to facilitate interstate coordination and communication, and to provide a platform for future activities, including capacity-building ones. The Directory could become a first institutional step towards a mechanism focussed on harnessing, fomenting and giving coherence among different international capacity-building actions. Fundamentally, these developments show how international institutions may facilitate interstate negotiations and cooperation, as stressed by Keohane (Chapter 1).

Along with the establishment of universal cyber-norms, global capacity-building efforts could help reduce expected gains from malicious operations, while increasing their costs. This alteration of cost-benefit perception is the third pillar of an effective global cybersecurity regime.

Cost-benefit perceptions

As recognised by some states (United States of America 2023, 2) and scholars (Nye 2016-2017, 53; Eilstrup-Sangiovanni, 2018, p. 387; Goodman 2010, 107–108), perceptions influence cost-benefit calculus and behaviour in cyberspace. This is a key psychological aspect influenced by international regimes (Chapter 1). Derived from the establishment of norms and capacity-building efforts, a successful global cybersecurity regime would alter cost-benefit perceptions in at least two ways.

First, establishing clear, global and legitimate norms and rules on what is unacceptable, on how to identify transgressors, and on when and how to respond collectively to aggressors would significantly increase the cost of cheating. The definition of thresholds could protect certain critical systems and create taboos (Nye 2016-2017, 60–61). In turn, the institutionalization of procedures to collectively identify transgressors and respond to malicious operations could discourage unilateral retaliation, including offensive actions

that may be deemed illegitimate, disproportionate or against the wrong target (as in cases of misattribution). On the contrary, a regime would channel major violations to the established multilateral bodies that hold the legitimacy to address them in the name of the international community. The International Atomic Energy Agency (IAEA) statute, for instance, determines, among other measures, that non-compliance or issues of particular gravity be brought to the attention of the UN Security Council and General Assembly (International Atomic Energy Agency, 1956, art. XII.c).

A clear and broadly accepted framework of cyber-norms would support international law in general, including self-defence rules enshrined in the UN Charter (Articles 2.4 and 51). This could have a reinforcing effect on the cyber-norms framework itself, strengthening incentives against malicious actions in and from cyberspace. Potential cyber-aggressors could be discouraged, along with the perception of vulnerability, which lies at the heart of security concerns, including security dilemma dynamics (Chapter 1).

Second, a regime could support official mechanisms of international cooperation aimed at assisting countries in preparing for and responding to malicious cyber-operations. This would also reinforce national deterrence-by-denial policies, by increasing the futility of possible aggressions (Nye 2016-2017, 56). This support could also favour the sustainability of the digital transformation in countries, which hinges upon the availability and correct functioning of digital systems. This is essential not only for their human development, but also for systemic resilience. As a recent report of the World Economic Forum pointed out, digital inequity is a "driver of ecosystem risk," given that "the overall resilience of the ecosystem is often determined by its weakest links" (World Economic Forum 2025, 29). Therefore, cost-benefit perceptions, from a systemic perspective, would depend on elevating collective resilience.

Limitations

Naturally, a global cybersecurity regime would face considerable limitations and challenges.

First, realists' claims that regimes are contingent on the international power structure (Chapter 1) should be kept in mind. An example is the ousting of the first director-general of the Organisation for the Prohibition of Chemical Weapons, José Bustani, less than two years after he was unanimously reappointed to that position, and a year before the 2003 invasion of Iraq (Stanič 2004, 814). Bustani was considered one of the "key obstacles to the

war because [he was] proposing nonviolent methods of eliminating Saddam's alleged stockpiles of such weapons" (Stanič 2004, 810). This case recalls Strange's warning that regimes are partial towards the status quo, showing how their internal processes may be compelled to guarantee it.

Second, there are specific and significant challenges related to the establishment and the running of a global cybersecurity regime. These will be explored in the next Chapter.

Partial conclusion

Realists point to important limitations of international regimes. The Bustani case is an important reminder that regimes should be perfected constantly, including with a view to mitigating, as much as possible, interference from power politics and geopolitical circumstances.

Conversely, as liberal institutionalists have pointed out, regimes are not conceived to be a panacea. This Chapter has attempted to demonstrate that, since cyberspace is prone to volatile dynamics that may threaten international peace and security, there is value in pursuing a global cybersecurity regime.

Domestic options may not only be insufficient to address cyber-threats, but may instead fuel interstate rivalry and international instability, as in the case of preemptive and retaliation-based policies. In turn, a global regime combining universal norms and capacity-building efforts could be influential enough to alter cost-benefit perceptions and discourage interstate rivalry through malicious cyber-operations.

A global cybersecurity regime could significantly contribute to international peace and security and is therefore desirable. The establishment of the norms of responsible state behaviour and the steps taken by the UNGA to foster international capacity-building efforts are therefore to be welcomed. However, the possible establishment and running of a global regime would certainly face fundamental limitations and challenges. The next Chapter will focus on these.

3. Feasibility of a regime

If a global cybersecurity regime is desirable, it is necessary to address the specific challenges involved in its establishment and running. This Chapter assesses the main technological and political ones. Although they are significant, this dissertation will argue that they are not insurmountable.

The Chapter will end by reporting on recent experience that demonstrates the international community's current engagement in this task.

Regime challenges

As Jervis highlights (Chapter 1), the establishment of security regimes is a complex and uncertain endeavour. The nature of cyberspace adds further challenges, both technical and political.

Technical challenges

The main technical challenges for a cybersecurity regime arise from the ubiquity and intangibility of cyberspace. These characteristics result in critical difficulties in defining thresholds for malicious operations, establishing verification mechanisms that would investigate and attribute attack, and inducing compliance with the norms of a regime.

Threshold. As seen (Chapter 2), there is significant ambiguity related to the rules of the game in cyberspace, including when cyber-operations may reach the level of an armed attack. The latter is particularly important, because it is a necessary condition to trigger international responsibility and the right to self-defence. So far, the international community has only been able to provide general norms of responsible behaviour, including that a state should not damage critical infrastructure through cyber-operations.[5]

Verification. Several security regimes have established verification mechanisms in order to increase mutual trust and discourage cheating. A major challenge they face is the dual-use of the material that falls under their purview. In 2023, for instance, the IAEA applied safeguards in 189 states in order to ensure they are using dual-use nuclear material in accordance with their international legal obligations (International Atomic Energy Agency 2024). It seems, however, improbable that techniques and expertise developed by the existing security regimes to verify compliance could provide guidance for a cybersecurity regime. The weaponization of software, which are not only dual-use, but also intangible (Nye 2018, 336), would seem to pose an apparently insurmountable technical challenge for the establishment of such a mechanism that would discourage cheating (Nye 2016-2017, 50).

Attribution. A related challenge is finding the culprit behind cyberattacks. Several features render cyber-attribution particularly problematic, including the considerable degree of anonymity; the difficulty of identifying the human

5 Norm "f" of the norms of responsible state behaviour.

actor, even having found the IP address of the machine used in the attack; and the ease with which malwares cross jurisdictions (Kello 2013, 33).

States investigating cyberattacks employ undisclosed cyber-capabilities and intelligence apparatus, and seldom provide substantial evidence of their findings. This makes attribution "an inherently political act" (Egloff 2019, 55). Some scholars have noted important bias tendencies behind attribution policies, due to geopolitical interests (Hurel 2022, 79) and to commercial goals (Oosthoek and Doerr 2021, 309). This leads to lack of legitimacy and to contestation of attribution and of retaliation based thereon. Moreover, the possibility of misattribution may be exploited by malicious actors (Hurwitz 2013-2014, 20).

States have recognized these challenges. The framework of responsible state behaviour in cyberspace underlines that "accusations of organizing and implementing wrongful acts brought against states should be substantiated" (United Nations General Assembly, A/76/135, 2021, 18). Moreover, international customary law defines that an internationally wrongful act of a state consists of an action or omission that is attributable to the state under international law (International Law Commission, 2001, art. 2.a). An accurate attribution against a state would therefore require the correct identification of an IP address and of the operator, as well as his/her connection with the accused government (ibid.; Rid 2013, 144–145; Schmitt and Vihul 2015, 45).

Political challenges

The main political challenge is probably states' unwillingness to restrict their own behaviour. This reluctance derives particularly from the relative novelty of cyber-operations as power levers and the secrecy behind states' cyber-capabilities. As Schmitt and Vihul stress, "states are hesitant to restrict the use of [cyber]weapons that may afford them an advantage on the battlefield until they have sufficient experience to allow them to weigh the costs and benefits of prohibitions and limitations on their use" (Schmitt and Vihul 2015, 45). Furthermore, while much of the impact of cyber-capabilities derives from their concealed nature (Kissinger 2014, 347), any international restriction would require agreement on some degree of definition related to what is to be restricted.

There are no prospects of global negotiations regarding such restrictions, as states are divided on this issue (Singer and Friedman 2014, 185–186). While Russia has presented a blueprint for a global cybersecurity treaty (Russian Federation 2021), several Western countries affirm either that there

is no need for a new international binding instrument, or that several steps should be taken before considering the possibility (European Union 2023).

Parallels could be drawn between this scenario and the development of the international nuclear regime, which started to take shape after the most advanced countries felt certain of their technological superiority and only then assumed a leadership role to prevent uncontrolled proliferation (Eilstrup-Sangiovanni 2018, 404–405). As the race for the development of the most advanced cyber-capabilities is still ongoing, the current discussions on cyber-norms are still subordinated to the international power rivalry, "rather than a unified search for normative order, clarity, and predictability" (Tikk 2021, 751).

Addressing the challenges identified

An emerging cybersecurity regime would need to face cyber-specific technological and political challenges, to which there is not much precedent to serve as a guide. As Andres stresses, "[i]n the case of cyber threats, the past is not necessarily prologue" (Andres 2012, 90). Moreover, the fast pace of technological development will probably continue to pose unprecedented difficulties, the reason why "laws and regulations are always chasing a moving target" (Nye 2014, 6). Nevertheless, as will be seen next, there are ways to address the current challenges, and the international community already seems to be making important progress in that direction.

Addressing the technical challenges

Threshold

Internationally accepted definitions in the security area may take a considerable time to emerge. For instance, "act of aggression," mentioned in Chapter VII of the UN Charter, was defined almost three decades after the instrument came into force (United Nations General Assembly, A/RES/3314(XXIX), 1974).

In turn, the UNGA has already defined certain boundaries that states should not cross in cyberspace. For example, Norm "f" of the norms of responsible state behaviour affirms that a "State should not conduct or knowingly support ICT activity … that intentionally damages critical infrastructure…" Norm "i" establishes that "States should seek to prevent the proliferation of malicious ICT tools and techniques and the use of harmful hidden functions."

The important nuance between Norm "f," which uses negative and prohibition language, and Norm "i," which encourages certain steps to be taken, indicates different degrees of concern within the international community that could lead to further common understandings of where threshold or red lines should be drawn.

Verification and attribution

As cyber-technology is inherently dual-use and intangible, multilateral verification activities would probably need to focus on malicious actions, instead of on capabilities, providing for an *ex post-facto* monitoring. As suggested by Eilstrup-Sangiovanni, the International Monitoring System of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) may be a source of inspiration (Eilstrup-Sangiovanni 2018, 395). Despite the fact that the CTBT has not entered into force, its Preparatory Committee (CTBTO-PrepCom) has managed to put in place an impressive system with proven efficiency, having quickly and accurately identified North Korea's nuclear explosion tests (Comprehensive Nuclear-Test-Ban Treaty Organization 2024).

Experience in combating cybercrimes has demonstrated that attribution may not be "the insurmountable challenge that theoretical models suggest" (Goodman 2010, 105). Law enforcement has demonstrated that forensics is essential to curb cybercrime and prosecute perpetrators, and that efforts to obtain electronic evidence can benefit from international cooperation (Kello 2017, 199).

However, digital forensics remains locked in the logical layer of cyberspace. While law enforcement may be able to locate IP addresses and the wrongdoers behind it, investigation on their possible link to states remains considerably complex. To tackle this challenge, some specialists have argued in favour of establishing a multilateral mechanism of a technical nature dedicated to, and responsible for, the investigation of cyberattacks (Eilstrup-Sangiovanni 2018, 394-395; Clarke and Knake 2010, 252; Manshu 2022, 31; Chuanying 2022, 48).

If, as Nye argues, "[a]ttribution is a matter of degree" (Nye 2016-2017, 51), collective attribution by a mandated multilateral body, as opposed to unilateral attribution, would increase the credibility of cyber-investigations and their findings, as well as the legitimacy of imposing pre-established consequences for perpetrators.

A multilateral cybersecurity attribution/verification system could also support the overall regime in other ways. First, it would lock-in any successful

steps taken towards establishing clear norms and thresholds. Second, it could provide an efficient mechanism for sharing quality information, from states and its own internal investigations. Third, it could establish rules for how to address inconclusive cases, especially larger-scale attacks against critical infrastructure, including on when to refer them to international bodies mandated to assess threats to international peace and security. Fourth, it would allow for an institutional learning process (Nye 2016-2017, 51), regime self-improvement and accumulation of expertise. Fifth, such expertise could be channelled to assist countries' cyber-resilience efforts, as well as stimulate synergies with existing capacity-building programmes, saving resources and fomenting cross-learning processes.

Addressing the political challenges

The experience of the UN cybersecurity discussions demonstrates that there are at least two enduring circumstances that could lessen political resistances: existing systemic incentives and the role played by "middle-ground countries."

Systemic incentives

The informality of existing international cyber-norms makes them palatable for countries currently unwilling to tie their hands with international binding rules (Sukumar et al. 2024, 11). The fact that UN member states have recognized that international law applies to cyberspace – and therefore binds their cyber-activities – is not evidence to the contrary, since this application is still ambiguous (Chapter 2). As a result, there is a *de facto* informality regarding international obligations restricting state actions in cyberspace. This scenario seems to avoid strong resistance against further developing the existing framework of norms, pursued by the OEWG. In this vein, informality is not a weakness. As other experiences in the security area show, regimes may begin with voluntary measures and gain momentum towards stronger institutionalisation of norms of state behaviour (Nye 2018, 337).

Moreover, the increasing potential for disruption by cyber-weapons provides incentives for clearer rules of the game. The consensual norm prohibiting attacks against critical infrastructure is evidence that the international community is able to agree on such rules. Albeit informal and non-binding, existing norms can still exert a powerful influence over states (Nye 2016-2017, 61), as well as providing a blueprint for a future regime.

"Middle-ground countries"

In the UNGA cybersecurity discussions, the great majority of the states lie somewhere in the middle of the spectrum of interest and perspectives that separate the current global geopolitical rivals. Those states are identified sometimes as "middle-ground countries" (Buchan and Devanny 2024).

They play an active and influential role, bridging geopolitical divides and supporting capacity-building-based systemic stability. Many of them recall the two parallel (and potentially conflicting) processes established between 2019 and 2021 under the UNGA with a similar mandate to address cybersecurity.[6] There is a risk this duplication may reoccur after the mandate of the current OEWG expires in mid-2025. In 2022 and 2023, France and Russia tabled and managed to approve competing UNGA resolutions on the issue.[7] In 2023, warning against the divisiveness and "harmful duplication of efforts" this scenario causes, Brazil proposed a moratorium on such resolutions, in order to support the consensual work within the OEWG, in particular regarding the negotiations on the future mechanism that will succeed it (Brazil 2023). The Brazilian initiative gathered support, and, in 2024, a single resolution on cybersecurity was introduced and approved by the UNGA First Committee (United Nations General Assembly, A/RES/79/237, 2024).

Another example of influence comes from an informal group of fourteen Latin-American countries, according to which capacity-building is key to addressing overall cybersecurity challenges (see, for instance, Argentina 2021). These states have managed to influence the OEWG discussions, away from the assumption that cybersecurity is an end in itself, moving them closer to the view that it is an instrument for sustainable development. As seen in Chapter 2, capacity-building is now at the centre of the UN cybersecurity considerations.

Empirical evidence

The OEWG annual reports have reflected this Latin-American influence, including by giving capacity-building a central role in a future permanent UNGA cybersecurity interstate regular institutional dialogue (RID) mechanism (United Nations General Assembly, A/79/214, 2024, annex C, paras. 9-10). The negotiation of this mechanism is perhaps the main empirical evidence of UN member-states' current disposition in moving towards a global cybersecurity regime.

6 A GGE was established by UNGA Resolution 73/266, and an OEWG by UNGA Resolution 73/27.

7 UNGA Resolutions 77/37 and 78/16 (French initiatives), and 77/36 and 78/237 (Russian initiatives).

If approved, the RID mechanism would mark an important milestone in the global framework of addressing cyber-related issues and international peace and security. According to the latest OEWG report, "States recommend the establishment of the future permanent mechanism" and highlighted their willingness to "ensure a seamless transition from the OEWG to the future permanent mechanism" (United Nations General Assembly, A/79/214, 2024, para. 58).

This is significant. First, it could be a recognition that cybersecurity deserves – or imposes a need for – uninterrupted interstate dialogue, detached from specific, time-bound mandates, as with previous GGEs and OEWGs. Second, this would avoid the renegotiation of such new mandates. Third, it would avoid the possibility of having, once more, parallel fora in place with a similar mandate.

The current pace of the process is noteworthy. In 2023, states approved a first blueprint for this mechanism (United Nations General Assembly, A/79/214, 2024, paras. 55-57). In 2024, it was developed further, with general guiding principles, functions and scope, structure, modalities and a decision-making process (United Nations General Assembly, A/79/214, 2024, annex C, para. 10). Importantly, the mechanism is expected to have a focus on both (1) development of voluntary norms and of the understanding of how international law applies to cyberspace; and (2) capacity-building, "enabling States to secure ICTs and ensure their peaceful use" (ibid.).

Partial conclusion

Chapter 2 argued that a global cybersecurity regime is desirable. Its possible establishment and running would need, however, to be feasible. Experience shows that security regimes might need decades to emerge and mature. This Chapter has argued that, though technical and political challenges are significant, they are not insurmountable.

The recent experience at the UNGA is evidence that the international community is willing to tackle these challenges. In fact, the discussion of a global RID mechanism, under the UNGA, has picked up momentum, despite the current geopolitical circumstances. This is largely due to the systemic incentives (informality of the normative framework and urgency to address cyber-threats) and the work of the OEWG, in particular of the "middle-ground countries," which has managed to make notable progress by consensus.

It remains to be seen if the current momentum will drive the UNGA to approve a permanent RID mechanism to substitute the OEWG at the end of its mandate in mid-2025. The geopolitical scenario could deteriorate further, complicating an agreement. Furthermore, the existing technical challenges still need to be tackled, along with possible new hurdles derived from further technological developments.

Nonetheless, the progress made so far by the international community – establishing a framework of norms for responsible state behaviour and a blueprint for an RID mechanism – demonstrates the feasibility of and the appetite for a global cybersecurity regime aimed at promoting "an open, secure, stable, accessible, peaceful and interoperable ICT environment" (United Nations General Assembly, A/79/214, 2024, annex C, para. 4b).

Conclusion

This dissertation's goal was to address the question "to what extent could a global cybersecurity regime contribute to international peace and security?" This question is relevant because cyberspace has become another domain of interstate rivalry. Past cases of cyber-incidents have demonstrated the threat they represent, giving rise to defence and offense challenges and altering the international security environment. There is a lack of standards both for states to assess the alteration of the strategic landscape and for the "rules of the game" of interstate interaction in the cyber-dimension. This situation is prone to unprecedented volatile dynamics that may engender a security dilemma situation and uncontrolled escalation.

In this scenario, this work explored liberal institutionalist regime theory in order to seek ways to mitigate international instability stemming from cyberspace. Mindful of the role power politics play in the international system, its theorists stress that, while international regimes are no panacea, they still have value in avoiding violent international conflict.

In this vein, this work has argued that a global cybersecurity regime is desirable. A framework of incentives against malicious state behaviour could provide systemic stability if based on broadly agreed norms and on capacity-building efforts aimed at increasing systemic cyber-resilience. These two pillars would significantly alter cost-benefit perceptions and discourage malicious cyber-operations. In comparison, offensive domestic options could lead to motion security dilemma dynamics, especially dangerous given the opacity of cyber-capacities and societies' dependency on the constant and correct functioning of digital systems.

This dissertation has also argued that a global cybersecurity regime is feasible. However, two limitations should not be overlooked. First, Realists'

criticisms of regimes should be kept in mind. Power politics play a central role in influencing international security systems, let alone security regimes. As seen, power may influence their engines and overcome international legitimacy.

Second, a cybersecurity regime would face important technical and political challenges in its establishment and functioning, derived from the nature of cyberspace. Technical obstacles will demand significant engagement from the international community to arrive at common understandings on complex issues, such as on thresholds for cyber-operations deemed unacceptable, and on global mechanisms with legitimacy to investigate cyber-incidents, find culprits, and respond to violations. Political obstacles, such as states' resistance to reducing their autonomy, could be mitigated by enduring circumstances, such as the informality of the framework of norms of state behaviour and the increasing number of and harm done by cyber-attacks. Furthermore, the influence of "middle-ground countries" could help global rivals find agreements on sensitive issues and shift the focus of a possible regime towards cyber-resilience.

Finally, this work argued that the international community, through the OEWG/UNGA, has taken important steps towards a cybersecurity regime. In 2015, the framework of responsible state behaviour was established by consensus. In the past two years, these developments picked up momentum with the elaboration of a blueprint of a permanent RID mechanism, dedicated to cybersecurity, under the UNGA and open to all UN member-states. Taking Krasner's definition of regimes, 2025 may mark a critical milestone on the road towards a global cybersecurity one.

In sum, this dissertation asserts that a global cybersecurity regime is not only feasible but could provide a strong enough influence to discourage state-sponsored malicious cyber-operations and favour stability in the cyber-realm, thus contributing significantly to international peace and security.

Further research on this topic could entail related areas that fall beyond the scope of this work. This includes the impact on the international landscape of emerging technologies (especially artificial intelligence and quantum computing) and their fast development, as well as the role of non-state actors, in particular big techs. Further studies, departing from different IR perspectives, will likely contribute to how the current institutional developments, and the forces behind them, affect international phenomena.

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BRAZILIAN NAVAL DIPLOMACY AND THE PROMOTION OF THE DEFENSE INDUSTRIAL BASE IN THE SOUTHERN CONE (2021–2023)[1]

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Abstract

This article examines the role of naval attachés in promoting Brazil's Defense Industrial Base (DIB) in the Southern Cone, focusing on the period from 2021 to 2023. It seeks to reflect on how these agents can contribute to the promotion of the BID. Using an exploratory and comparative approach, the study analyzes how naval diplomacy can serve as a tool for advancing national interests within the framework of the blue economy, while also outlining the challenges naval attachés face in their work in this specific domain. The research includes an analysis of the evolution of the defense budget and the impact of recent investments in Brazil's defense industry. Data on Argentina, Paraguay, and Uruguay were gathered through semi-structured interviews and desk research. The hypothesis tested suggests that greater adherence by naval attachés to the commercial dimensions of diplomacy can generate greater benefits for the DIB.

Keywords: Defense Industrial Base. Naval Diplomacy. Southern Cone.

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A DIPLOMACIA NAVAL BRASILEIRA NO FOMENTO À BASE INDUSTRIAL DE DEFESA NO CONE SUL (2021-2023)

Resumo

O artigo investiga o papel dos adidos navais na promoção da Base Industrial de Defesa (BID) do Brasil no Cone Sul, focando no período de 2021 a 2023. O objetivo é refletir sobre como esses agentes podem contribuir para o fomento da BID. Utilizando uma abordagem exploratória e comparativa, o estudo analisa como a diplomacia naval pode ser um mecanismo facilitador para a consecução dos interesses nacionais, dentro do contexto da economia azul, e descreve os desafios enfrentados pelos adidos navais em sua atuação nesse campo específico. A pesquisa inclui uma análise da evolução orçamentária destinada à defesa e o impacto dos recentes investimentos na indústria de defesa brasileira. Foram coletados, por meio de entrevistas semiestruturadas e *desk research*, dados com foco em Argentina, Paraguai e Uruguai. A hipótese testada sugere que uma maior aderência dos adidos navais aos atributos comerciais da diplomacia pode potencializar ganhos para a BID.

Palavras-chave: Base Industrial de Defesa. Diplomacia Naval. Cone Sul.

LA DIPLOMACIA NAVAL BRASILEÑA EN LA PROMOCIÓN DE LA BASE INDUSTRIAL DE DEFENSA EN EL CONO SUR (2021–2023)

Resumen

Este artículo investiga el papel de los agregados navales en la promoción de la Base Industrial de Defensa (BID) de Brasil en el Cono Sur, centrándose en el periodo comprendido entre 2021 y 2023. El objetivo es reflexionar sobre cómo estos agentes pueden contribuir a la promoción de la BID. El estudio utiliza un enfoque exploratorio y comparativo para analizar cómo la diplomacia naval puede ser un mecanismo facilitador para el logro de los intereses nacionales en el contexto de la economía azul y describe los retos a los que se enfrentan los agregados navales en su trabajo en este ámbito específico. La investigación incluye un análisis de la evolución del presupuesto de defensa y el impacto de las recientes inversiones en la industria de defensa brasileña. Los datos centrados en Argentina, Paraguay y Uruguay se recopilaron mediante entrevistas semiestructuradas y investigación documental. La hipótesis probada sugiere que una mayor adhesión de los agregados navales a los atributos comerciales de la diplomacia puede aumentar los beneficios para el BID.

Palabras clave: Base Industrial de Defensa. Diplomacia Naval. Cono Sur.

1. Introduction

Brazil is a country of continental scale and holds an invaluable asset in its Atlantic coastline, which provides a maritime territory rich in biodiversity and economic resources, while also serving as the main route for its foreign trade, as Pereira (2021) notes:

> The Blue Amazon area encompasses the pre-salt reserves, from which approximately 85% of the country's oil, 75% of its natural gas, and 45% of its fish are extracted. More than 95% of Brazil's foreign trade is transported via maritime routes. This area harbors natural resources and a rich biodiversity that remain largely unexplored.

Furthermore, in today's dynamic and interconnected international order, submarine cables carry the data traffic that underpins nearly all global communications, including Internet connectivity. Thus, the defense industry has benefited from this blue economy through recent contracts leveraging specific segments of the Defense Industrial Base (BID), such as the acquisition of ships by the Brazilian Navy (MB), which strengthen the country's security, development, and defense (Brazil 2022). Similarly, it appears that Brazil could expand its DIB by increasing the supply of these defense products (PRODES[5]) within its strategic environment, particularly in the Southern Cone.

With respect to the timeframe, this study will analyze the period between 2021 and 2023, enabling a study of the relationship between the DIB and the measures undertaken for its development in light of key milestones during that period. For context, it is known that in 2021 the national budget proposal, under the budgetary policies then in place, contributed significantly to an increase in military spending.[6] In addition, the head of the Executive Branch at the time of writing, Luiz Inácio Lula da Silva, announced in 2023 a new Growth Acceleration Plan (PAC) which earmarked US$ 10.6 billion for defense, with resources directed toward the modernization and strengthening of the country's defense industry.

In this context, diplomacy and defense are, by definition, instruments for advancing a country's interests abroad, and it is hoped that the Ministry

5 PRODES—comprises all goods, services, works, or information, including weapons, ammunition, means of transportation and communication, uniforms, and materials for individual and collective use employed in defense-related activities, with the exception of those intended for administrative use. https://www.gov.br/defesa/pt-br/assuntos/industria-de-defesa/copy_of_perguntas-frequentes.

6 See: https://noticias.uol.com.br/ultimas-noticias/bbc/2020/08/31/gastos-bilionarios-que-bolsonaro-propoe-para-a-defesa-levarao-a-cortes-em-outras-areas-em-2021.

of Defense (MD) and the Armed Forces, as well as the Ministry of Foreign Affairs (MRE), as specialized bureaucracies,[7] will build synergies that guide the pursuit of national objectives. It is thus inferred that, among the agents of the aforementioned institutions, naval attachés have the potential of employing their duties as diplomatic tools in the exercise of foreign policy (Silva and Gonçalves 2010).

As for the normative framework underpinning this research, the Vienna Convention on Diplomatic Relations of 1961 (VCDR) (Brazil 1965), establishes in Articles 3 and 7 that diplomatic missions include military, naval, or air attachés, and it is their responsibility, among other duties, to negotiate within their respective areas of government political action. Therefore, in defense diplomacy, civilians and military personnel working in the Ministries of Defense and the Armed Forces can serve as diplomatic actors in the execution of tasks related to the non-coercive use of defense resources (Silva 2018).

Understanding the nuances involved in performing this function is therefore relevant for evaluating potential links between diplomacy and defense. In this context, our primary objective is to reflect on the role that naval attachés may play, as agents of Brazilian foreign policy, particularly in naval diplomacy, in promoting the Defense Industrial Base (DIB) within the framework of the blue economy.

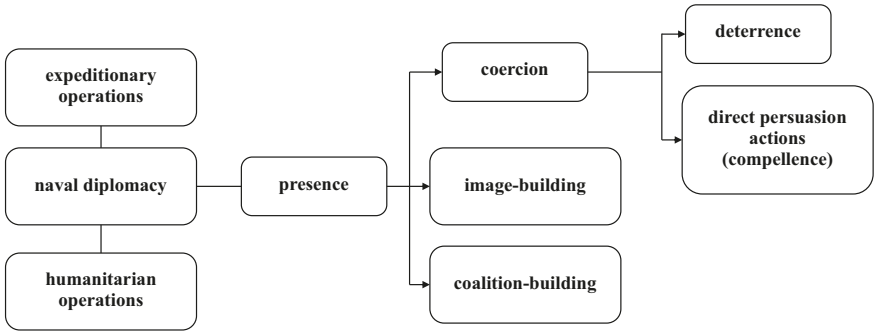
This endeavor gains even greater relevance in the context of the so-called "Ocean Decade," formally the United Nations Decade of Ocean Science for Sustainable Development (2021–2030)—as defined by the International Oceanographic Commission (IOC). It provides an opportunity to reflect on urgent and necessary measures for the sustainable use and protection of the country's coastal and marine areas. The initiative envisions an ocean that is: (1) clean; (2) safe; (3) healthy and resilient; (4) productive and sustainably exploited; (5) predicted; (6) transparent; and (7) understood and valued-objectives that align closely with the interests of the Brazilian Navy (Santos and Beirão 2021).

With this in mind, in this analysis, based on empirical evidence and the literature on the subject, we start from the premise that Brazil holds significant regional prominence, objectively compared quantitatively to other South American, when analyzing PRODES spending. This premise is inferred from data compiled by *the International Institute for Strategic Studies* (2024, 403) and the *Red de Seguridad y Defensa de América Latina* (2024, 8–9).

7 Here we start from the Weberian definition of bureaucracy, understood as a functional body highly specialized in the execution of tasks that require technical expertise and specific qualifications.

There is, therefore, fertile ground for examining the role of naval attachés in promoting the DIB among South American countries, informed by the concepts and understandings of scholars such as Till (2009) regarding the use of naval diplomacy as a tool to achieve desired results:

Figure 1. Components of Naval Diplomacy

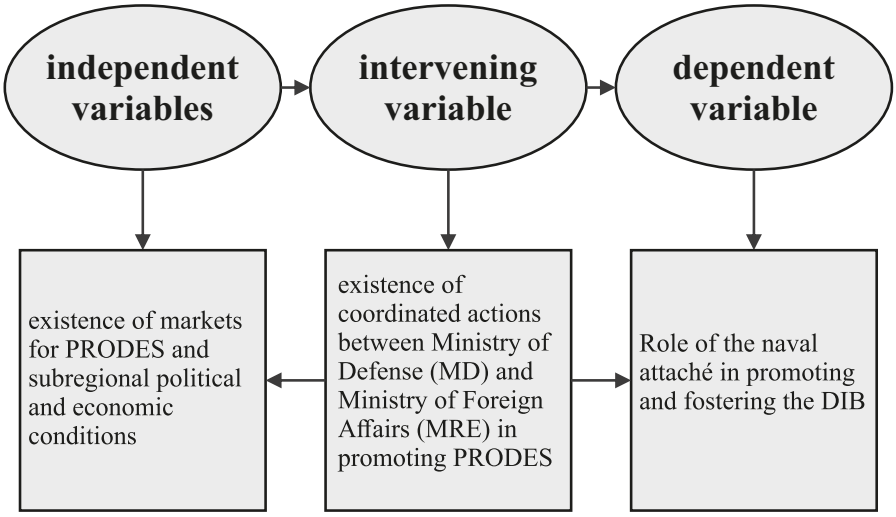


Source: Adapted from Till (2009, 257), our translation.

Therefore, based on this premise, we seek to test the direct relational hypothesis that the greater the adherence of naval attachés to the commercial attributes of diplomacy, the greater the potential for maximizing gains for the DIB. To this end, we have the following specific objectives: 1) to analyze the role of naval diplomacy as a facilitating mechanism in promoting national interests; and 2) to describe the challenges faced by naval attachés within our research scope.

In addition, to test the possible interconnections between diplomacy and defense, we begin with the following causal chain:

Figure 2. Causal Chain[8]



Fonte: Elaborado pelos autores (2024).

As for the spatial scope, in the context of the Southern Cone, Argentina, Uruguay, and Paraguay were chosen, since they overlap the trade borders established by the Southern Common Market (MERCOSUR)—a bloc created by the Treaty of Asunción in 1991 with the aim of creating a free trade area in the subregion.[9] Finally, regarding methodology, the research adopts an exploratory and comparative case study approach, applying the most-similar systems design. Data collection draws on desk research and semi-structured interviews with naval attachés in Argentina, Paraguay, and Uruguay, including both closed and open-ended questions, administered through Google Forms. A copy of the questionnaire template is provided in the appendix at the end of this article.

8 The causal chain lists the variables selected for the study to be conducted. The so-called independent variable is one that affects other variables; these are phenomena that are useful in explaining the characteristics or behavior of the object under study. Accordingly, the dependent variable is what one seeks to explain as a result of the influence of one or more independent variables. Finally, the intervening variable is the one that, within a causal sequence, stands between the independent and dependent variables, helping to explain the process by which the former influences the latter.

9 Bolivia was not considered in the study due to the small size of its Navy.

2. Blue Economy

The World Bank (2018) defines the blue economy as a sustainable ocean economy in which economic activity is balanced with the long-term health of coastal and marine ecosystems. This definition has gained prominence in the contemporary world as an evolution of the earlier notion of a "sea economy," which referred to similar activities but without the explicit emphasis on "sustainability." In the same vein, Santos and Polette (2020, p.93) define the blue economy as:

> the sustainable use of ocean resources for economic development, better livelihoods and jobs, and for the intrinsic health of the ocean ecosystem. The blue economy encompasses aquatic and marine spaces, including the ocean, seas, coasts, lakes, rivers, and groundwater, and comprises a range of productive sectors, such as fishing, aquaculture, tourism, maritime transport, shipbuilding, renewable energy, bioprospecting, seabed mining, and related activities; and ecosystem services.

For the purposes of this research, it is therefore appropriate to analyze the relationship between the blue economy and Brazil's maritime vocation in order to map potential outcomes of this synergy. Notably, Brazil has the fifth-largest coastline in the world (Carvalho 2021), enabling the existence of ports capable of mooring large vessels and supporting robust coastal navigation.[10]

In addition, it should be noted that the South Atlantic holds undeniable strategic importance, given its direct connection to trade routes, access to Antarctica, and other opportunities. Furthermore, Brazil possesses an extensive underwater area of approximately 900,000 km² with significant potential for exploration, known as the Rio Grande Rise (ERG).[11] This region is rich in minerals and chemical elements, with such importance that it has even been referred to as the "pre-salt of Brazilian mining" (Ferreira, 2023), underscoring both its promise and the countless challenges for exploration and surveillance (CPRM [...] 2020).

10 Coastal navigation refers to transportation conducted between ports or locations within Brazilian territory, using maritime routes or a combination of maritime and inland waterways.

11 Red clays containing minerals such as kaolinite, magnetite, oxidized magnetite, hematite, and goethite. https://portaldamineracao.com.br/estudo-revela-que-elevacao-do-rio-grande-era-gigantesca-ilha-tropical-proxima-ao-brasil-e-rica-em-minerio/.

This potential of the blue economy, represented by maritime transport, as well as the exploitation of wealth and other resources, highlights the importance of safeguarding these assets. Ensuring this protection requires the acquisition of the necessary means and other PRODES aligned with the development of the DIB. This strategic mindset can be identified in the Navy's Strategic Plan (PEM 2040), which advocates the potential of the Naval Power Core Construction Program, including the Submarine Program (PROSUB), the Tamandaré Class Program (PCT), among others, as initiatives that "leverage the development of national industry and related segments, fostering the establishment of 'maritime clusters'[12], with the generation of skilled, direct, and indirect employment" (Brazil 2020a, 83). These programs require the production of dual-use technologies for the DIB, whose commercial appeal can be further advanced through the work of naval attachés.

Thus, it can be inferred that the Brazilian Navy is well-positioned to play a leading role in this debate, by consolidating of the concepts of the Blue Amazon and the blue economy, and by fulfilling the responsibilities of the National Maritime Authority through monitoring, surveillance, and use of innovative technologies in promoting the DIB (Santos and Beirão 2021).

3. The DIB in the Context of the Blue Economy

As noted above, Brazil's maritime vocation, together with its relevance in the international economic arena, allows for the consideration of several initiatives that enable the defense sector to fulfill its constitutional mission,[13] particularly with regard to the Defense Industrial Base (DIB). This raises the question of what benefits these potentialities may generate for the country's interests in the Southern Cone, especially in terms of promoting the DIB.

In that case, it is first necessary to define what the DIB encompasses. In Brazil, the National Defense Strategy considers the DIB to be the set of public and private companies "that carry out or conduct research, design, development, industrialization, production, repair, conservation, revision,

12 An association responsible for bringing together companies from different sectors linked to the maritime economy, a maritime cluster plays an important role in the development of countries.

13 Art. 142 of the Federal Constitution of 1988: "The Armed Forces, comprised of the Navy, the Army and the Air Force, are permanent and regular national institutions, organized on the basis of hierarchy and discipline, under the supreme authority of the president of the Republic, and are intended for the defense of the Country, for the guarantee of the constitutional powers, and, on the initiative of any of these, of law and order."

conversion, modernization, or maintenance of PRODES [defense products] in the country" (Brazil 2020b).

Along these lines, elements associated with the DIB can also be found in key defense documents, such as the National Defense Policy and the National Defense Strategy (PND/END),[14] particularly in their provisions to "support for foreign policy." Thus, in the context of international relations, the connection between the DIB, the Naval Policy,[15] and the Navy's Strategic Plan (PEM)[16] becomes evident.

In turn, the Brazilian Industrial Development Agency (ABDI) understands that "the DIB brings together state-owned and private companies, as well as civil and military organizations, that participate in one or more stages of research, development, production, distribution, and maintenance of Strategic Defense Products" (Abreu 2015). Reinforcing this framework, in 2012, Law No. 12,598/2012 established a new set of incentives for the procurement, contracting, and development of defense products and systems in Brazil, thereby providing an important legal foundation for strengthening the DIB (Brazil 2012).

A mapping of the DIB carried out by the Institute of Applied Economic Research (Ipea 2016), analyzed eight segments, examining factors such as production, human resources, and innovation for international trade. In most of these segments, exported products were found to have medium and high technological intensity, indicating higher added value. Most companies reported difficulties in accessing international markets due to competition from major producing countries. In contrast, relatively few companies made use of public instruments designed to support exports (Brazil 2020b).

In this context, as a result of efforts to expand the DIB, progress in DIB exports and in the defense and security segment were highlighted during the panel "Industrial Defense Base—Protection, Development, and Job Creation," held at the 6th DIB Brazil Exhibition (December 7–9, 2021), in Brasilia.[17] The DIB currently generates 2.9 million jobs in Brazil, including 1.6 million direct and 1.3 million indirect positions, and accounts for approximately

14 The National Defense Strategy (END), as a normative framework, is administratively organized into National Defense Objectives (OND), from which the Defense Strategies (ED) derive, and, consequently, Strategic Defense Actions (AED).

15 Document prepared by the Brazilian Navy Command that guides the Force's strategic planning and establishes naval objectives, among them "supporting foreign policy."

16 Document prepared by the Brazilian Navy Command that presents high-level conceptual and doctrinal elements, along with corresponding strategic actions, providing a vision of the future up to the year 2040.

17 See: https://www.gov.br/defesa/pt-br/centrais-de-conteudo/noticias/defesa-supera-1-5-bilhao-de-dolares-em-exportacoes-em-2021.

US$ 1.5 billion in foreign sales. Analyses of Brazilian exports and the share of defense and security in the GDP over the last few years indicate steady growth in investments across this sector (Nóbrega 2021; Vicara 2024).

These facts indicate that Brazil seeks to consolidate, in its highest-level policy documents, a strategic mindset that can contribute to the development of the DIB and its use, producing and operating PRODES. This orientation is evident in the PND, which considers fundamental that:

> Budgetary resources allocated to defense must ensure the budgetary stability of investments aimed at the acquisition of Defense Products (PRODE), stimulating technology development programs in the quest to reduce the technological gap of the Armed Forces and, thus, strengthening the Defense Industrial Base (DIB) (Brazil 2020b, 13).

In the naval industry sector, recent years have seen notable benefits from military orders associated with the renewal of Brazilian Navy vessels, contributing to the presence, protection, and preservation of the waters of the Blue Amazon[18] (Brazil 2020a). Among the projects for the re-equipment and acquisition of new means of action, in the defense sector, the Defense Coordination and Equipment Plan (PAED) stands out. Within the shipbuilding industry, key initiatives include the Submarine Development Program (PROSUB) and the Surface Vessel Acquisition Program (PROSUPER), which encompasses the acquisition of Tamandaré-class ships (Brazil 2020a).

Nevertheless, a brief analysis based on GDP performance highlights structural challenges. While Brazilian exports reached US$ 340 billion in 2023, driven by agribusiness and the extractive industry, foreign sales by the manufacturing industry fell by 2.3% (Brazil 2020b). This contrast underscores the need to better understand variables that can impact the successful integration of the DIB into global markets. In this context, it is clear that the State plays an important facilitating role: its support for financing programs, development, production, acquisitions, and commercialization of PRODES tends to provide greater confidence to potential buyers (Brazil 2020b).

18 Concept associated with the fact that Brazil possesses an extensive maritime area, of unquestionable importance as the main route for the country's foreign trade, for its diversity of natural resources, such as fisheries and marine biodiversity, for oil and gas reserves, and other mineral resources, as well as its influence on the Brazilian climate. This area, covering 67% of Brazil's land territory and with dimensions and biodiversity comparable to the Amazon rainforest, has come to be known as the Blue Amazon. See: https://www.marinha.mil.br/secirm/pt-br/amazoniazul.

4. Promotion of the DIB in the Southern Cone

As mentioned, projects for the re-equipment and acquisition of new capabilities in the defense sector, particularly within the naval industry, create opportunities to leverage the DIB through an increase in offers of these PRODES abroad. As noted in the introduction to this text, we chose to focus our research on the South American continent, specifically the Southern Cone, as it coincides with the trade borders established by MERCOSUR.[19]

In 2021, the Presidents of Argentina, Brazil, Paraguay, and Uruguay, on the occasion of the 59th MERCOSUR Presidential Summit, recognized in a Presidential Declaration on Defense Cooperation the importance of building trust in the region through dialogue and cooperation on defense and security issues.

They highlighted the importance of having a strong DIB in the countries of the region and of integrating defense industry supply chains, as a means of contributing to economic prosperity and social development to consolidate an environment of mutual trust within the bloc, as well as the desire to stimulate trade, research, and development in innovation and defense technologies among the countries in MERCOSUR.[20]

According to Kinsella (1999), among the most relevant factors that determine the production of PRODES in developing countries, particularly for those with higher levels of participation such as Brazil and Argentina, are: regional security dynamics, domestic forces (economic and political factors), and military technological and cultural diffusion. There is evidence that production capacity depends on national industrial capacity, reinforced by opportunities for export.

For the purpose of this analysis, a specific assessment of the countries covered is warranted, starting with Argentina. As a brief historical overview, which will aid our analysis, it is clear that the country's armed forces have experienced a steady process of deterioration in since the Falklands War (1982). Since then, Buenos Aires has progressively reduced allocations to the defense sector, which has led to the exponential obsolescence of equipment and facilities (Neves and Franchi, 2021).

19 One of MERCOSUR's main objectives is to provide a common space that generates commercial and investment opportunities through the competitive integration of national economies into the international market by creating a free trade area. See: https://www.mercosur.int/pt-br/quem-somos/em-poucas-palavras/.

20 See: https://www.gov.br/mre/pt-br/canais_atendimento/imprensa/notas-a-imprensa/declaracao-presidencial-do-mercosul-sobre-cooperacao-em-defesa.

In the naval sector, in 2007, the Tandanor shipyard was renationalized, and the Domecq Garcia shipyard, renamed Almirante Storni, was reopened. These facilities later merged to form the Argentine Naval Industrial Complex (CINAR), tasked with the maintenance and repair of Argentine military vessels (Garré, 2009) and also involved with the production of ocean patrol vessels through a technology absorption agreement with Chile, as a way to address the loss of technological capacity (Argentina 2010). Despite these initiatives, this history of low-scale production indicates the modest development of Argentina's DIB, largely due to the low level of activity over the past decade.

This situation may open opportunities for the Brazilian DIB. As an example, in January 2024, the Brazilian defense company Mac Jee signed a contract to supply fuzes[21] to the Argentine Air Force (FAA), being chosen as a supplier due to its established expertise in the market, mainly in the defense and aerospace segments (Wiltgen 2024). This case illustrates the potential for PRODES exports by companies that are part of Brazil's DIB.

With regard to Uruguay, in April 2024, the government presented an action plan to strengthen national industry. On that occasion, the Uruguayan Chamber of Industries (CIU) pointed out that, over the past decade, around 6,000 industrial jobs had been lost and 50 national companies had ceased operations. Currently, the industrial sector generates US$ 17 billion annually, with US$ 10 billion destined for exports, and employs 266,000 people directly and indirectly (Government [...] 2024). These data indicate that this is a modest sector, particularly in the field of the Uruguayan naval defense industry, when compared to other countries, such as Brazil and Argentina.

Similarly, Paraguay's defense industry is still in its early stages, relying heavily on imported equipment, which represents a potential opportunity for the promotion of Brazilian PRODES. In 2024, negotiations began for the sale of Embraer aircraft, led by Brazil's Minister of Defense, José Múcio, and Paraguay's president, Santiago Peña, in a deal that could reach around US$ 100 million (Bergamasco 2024). In the naval defense industry, Paraguay faces additional challenges due to the obsolescence of the ships in its fleet. In 2017, vessels with more than 80 years of service were decommissioned and, as a result, the Paraguayan Navy has sought to renew its resources through supplier markets in the naval industries of Spain and Italy, but also in South America, such as the proposed acquisition of a landing ship designed and built by the Colombian naval industry (Lopes 2017).

21 Small device that receives the impact from a firearm's firing pin and serves to ignite the gunpowder charge in the projectile.

Brazilian defense industry exports hit a historic record in 2024, reaching US$ 3 billion, almost double the amounts recorded between 2021 and 2023, which stood at approximately US$ 1.621 billion, US$ 700 million, and US$ 1.440 billion, respectively (Bergamasco 2024). This trajectory suggests the possibility of addressing the questions posed in the introduction, particularly with regard to analyzing and identifying opportunities and examining how naval attachés can maximize gains for the Defense Industrial Base (DIB) in Argentina, Uruguay, and Paraguay.

5. Diplomacy and Defense as Drivers of National Interests

There is an inseparable correlation between diplomacy and defense. As Silva and Gonçalves (2010, 165) note, "international negotiation can be considered the very essence of diplomacy." Similarly, Till (2009, 259) points out: "[...] so much of international politics is about perception, of how strong and resolute you seem in the eyes of others."

In this sense, diplomacy and defense, shaped by multiple factors, particularly geopolitical and economic, present themselves as two sides of the same coin, as highlighted by Pinto, Rocha, and Silva (2004, 49), when they point out that:

> [...] foreign policy and defense policy are complementary and constitute fundamental dimensions in the life of the State. It is through them that Brazil, like any State, relates to other States, exploring external possibilities to meet the needs of the nation. Both foreign policy and defense policy are intended to protect the interests of the State and defend its integrity. In other words, diplomacy and force are two sides of the same coin which, throughout the history of civilizations, have always gone hand in hand, with one prevailing at times and the other at others.

Therefore, as Cottey and Forster (2004) argue, defense diplomacy involves the cooperative use, in times of peace, of the armed forces and related infrastructure (mainly the Ministries of Defense) as instruments of foreign and security policy.

For the purposes of this article, it is also worth highlighting the contributions of Drab (2018) on defense diplomacy as the use of dialogue and cooperation in peaceful international activities by the MD and the institutions and forces under its authority, supported by bilateral, multilateral, and

international security arrangements. It is the exchange between the armed forces of a given state and their counterparts in shaping foreign and security policy, including principles of cooperation with other state institutions, especially the Ministry of Foreign Affairs.

The aim is to promote bilateral and/or multilateral cooperation in the military, security, and defense domains, with the preparation, negotiation, and signing of regulatory instruments in the area of defense, as well as the supply of military equipment and materials, logistical assistance in crises and humanitarian operations, support in building military infrastructure, provision of advisory services, training, or the transfer of military equipment and weapons, and technical cooperation in the field of defense industries.

Having woven these brief semantic–conceptual reflections into this investigation, we draw on the aforementioned contributions to present defense diplomacy, and, more specifically, naval diplomacy, as tools to leverage Brazil's DIB. Accordingly, the following section is dedicated to an analysis of the importance of this crucial variant for this research.

6. Naval Diplomacy

Naval diplomacy benefits from the fact that naval forces, in times of peace, enjoy the freedom to navigate the oceans and visit foreign ports, even while carrying weapons on board, without causing any kind of commotion. Taking advantage of this characteristic, many governments make political use of their navies, particularly to promote their Defense Industrial Base (DIB) (Abreu 2010). Alonso Torres and Uribe-Cáceres (2022), interpreting the work of Le Mière (2014), distinguish between naval diplomacy and maritime diplomacy, noting that the latter is broader in scope, as it encompasses all actors who use the sea as a medium of movement, resource exploitation, or other related activities.

Along the same lines of reasoning on defense diplomacy, regarding the dependence of diplomacy on a state's capacity to project power, Till (2009) reinforces this idea by stating that attacks launched from the sea are often confined to the realm of naval diplomacy. The Brazilian Naval Military Doctrine (DMN) defines naval diplomacy as the use of naval power to support the state's foreign policy, with a view to, among other objectives, securing agreements and alliances and demonstrating intentions in areas of common interest.

According to Navy Strategic Plan (PEM 2040), the Brazilian Navy regards naval diplomacy as a prime instrument of international relations, with a

particular emphasis on cooperation, which can mitigate future antagonisms and also foster the DIB. This view is clearly expressed by Vice Admiral Victor Lopo Cajarabille (2012, quoted in Penedos 2014, 85), who highlights that:

> Another important aspect of naval diplomacy is [...] economic [...] directly related to the use of naval resources to promote the construction of national shipyards, as well as defense industry equipment. Conducting on-site demonstrations of naval resources in potential buyer countries, with detailed explanations of the operation and functioning of systems, is the best way to promote the national naval industry.

7. MRE and MD in the Promotion of National Interests

Although Brazilian diplomacy formally falls within the competence of the Ministry of Foreign Affairs (MRE),[22] other state bodies also participate in this endeavor, such as the Ministry of Defense (MD) and the Brazilian Navy (MB), particularly through their attachés. This is the view expressed by Brigagão and Fernandes (2012, 188) when they state that "foreign policy goes beyond diplomacy and diplomats. It is the result of the actions, with or without political–diplomatic coordination, of the various actors that shape the country's international projection."

Furthermore, Alonso Torres and Uribe-Cáceres (2022) argue that naval diplomacy must be versatile, pursuing national objectives with the political tools proper to foreign relations, in an environment of harmonious relations with the ministries of foreign affairs and defense.

This underscores the importance of Brazilian naval attachés maintaining close alignment with the respective diplomatic representations of the MRE in the countries where they serve, engaging in constant dialogue to secure effective negotiations for strengthening the DIB through the interaction between the Navy and the MRE. However, Alsina Jr. (2009, p. 185) offers a more pessimistic view of the degree of coordination between defense and foreign policies, warning that:

> in Brazil, there is *insufficient articulation between defense and foreign policies*. [...] A complex range of factors contributes to this. [...] only

22 Article 44 of Law No. 14,600, of June 19, 2023 (Brazil 2023).

> four factors will be mentioned to help explain the reason for the aforementioned insufficiency: the low priority given to defense policy, the absence of effective political direction over defense policy, the non-confrontational profile of foreign policy, and the *absence of operational mechanisms for coordination between the two* [emphasis in the original].

Similarly, Cortes (2019, quoted in Abreu 2020, 29) observed that "Itamaraty's tradition has always been to maintain good relations with [the] defense sector, but one would rarely find formal documents on the subject, given its sensitivity." According to Abreu (2020), for example, the MRE would not demonstrate the same level of interest in the Atlantic as the military, particularly in contrast to the importance attributed to the region by the defense sector, and especially by the MB.

On the other hand, according to Coutinho (2022), the process of institutional dialogue between the Brazilian Navy (MB) and the Ministry of Foreign Affairs (MRE) has evolved gradually, primarily through the National Defense Policy (PND) and the National Defense Strategy (END). It is worth noting that the Navy began its approach to foreign policy, albeit without the direct involvement of the MRE, starting with the PND in 2005 and the END in 2008. Thus, despite the great importance and need for institutional dialogue between both bureaucracies, the process of rapprochement has been somewhat slow. According to Coutinho (2022, n.p.):

> Gradually, the National Defense Policy and National Defense Strategy documents began to bring defense closer to foreign policy. Initially, still without the participation of the MRE, the promulgations of the PND [of 2005] and the END [of 2008] sought to instrumentalize the relationship between defense and foreign policy by mentioning the Armed Forces as important for the country's projection in the international system and for the country's objectives abroad (Ferreira, 2019). Despite the progress, the efforts were made without the presence of the MRE, a factor that corroborates the dichotomy between the MD and the MRE [...] From 2012 onwards, with the revision of the END [of 2012], it became clear that the Armed Forces should join foreign policy in order to support it internationally.

Therefore, it is in this context of using the Navy as an instrument of foreign and security policy, whether in the sense of Le Mière's (2014) cooperative diplomacy, or Till's (2009) coalition-building diplomacy, that this article seeks

to understand the role of naval attachés (as representatives of the Brazilian Navy) in promoting the Brazilian DIB through the exercise of naval diplomacy in accredited States,[23] particularly in the Southern Cone countries.

8. The role of the naval attaché

The National Defense Strategy (END) (Brazil 2020b) highlights that, in times of peace, the defense sector plays a role in supporting the diplomatic actions undertaken by the country. This is reflected in diplomatic defense efforts that aim, among other things, to strengthen ties and mutual understanding, as well as to develop cooperation, guiding the deepening of relations with the defense sectors of other countries.

It is clear, therefore, that within the structure of the defense sector, the Brazilian Navy (MB) plays a strategic role in the country's foreign and security policy, acting as an agent of cooperative diplomacy and coalition-building, in accordance with the concepts discussed above, developed by Le Mière (2014) and Till (2009).

Naval attachés, as representatives of the MB, are key actors in this scenario. Their role transcends traditional military functions, encompassing the promotion of national interests and the expansion of international collaboration networks in the fields of security and defense. Through the exercise of naval diplomacy, these attachés operate in the accredited states and, as highlighted in earlier sections, may be employed with a special focus in Southern Cone countries, fostering partnerships and cooperation that enhance Brazil's defense capabilities and consolidate its strategic presence in the region. In practice, naval attachés become de facto ambassadors, with the potential to promote PRODES.

Those actions can be linked to the concept of "defense diplomacy," which, according to Cottey and Forster (2004), denotes a broad and alternative means of achieving security and foreign policy objectives, involving the peaceful use of the armed forces and related infrastructure as a tool of foreign and security policy. By comparison, this context includes military attachés,[24] given that

23 The accrediting state is the one that sends the diplomatic representative, exercising the right of active legation. The accredited state is the one that receives the diplomatic mission, exercising the right of passive legation. See: https://www.jusbrasil.com.br/artigos/relacoes-diplomaticas/402262446.

24 According to MD53-I-01: General Instructions for the Relations between the Ministry of Defense and the Armed Forces, the military attaché (ADIMIL) is the military advisor of a diplomatic mission, a position held by an officer of the armed forces (FA) assigned to the respective mission to perform any of the following roles: defense attaché (ADIDEF)—a military attaché representing the MD; naval attaché (ADINAV)—military attaché belonging to and representing the Navy; Army attaché (ADIEX)—military attaché belonging to and

they have specific advisory tasks to the Ministries of Defense and armed forces of their respective countries, as provided for in Decree No. 8,654, of January 28, 2016, which establishes guidelines for the MD and the Navy, Army, and Air Force Commands in handling such matters (Brazil 2016).

This alignment with the characteristics that define the concepts of military cooperation within defense diplomacy, associated with the fact that the attachés are tasked with representing their country before the armed forces of the states to which they are accredited,[25] under the leadership of a defense attaché or military attaché, who is an officer of the sending state's armed forces, may open up possibilities in various areas of relations.

It should be noted, initially, in this diplomatic context, that the selection and appointment of naval attachés to diplomatic missions, as established by the 1961 Vienna Convention on Diplomatic Relations (VCDR) (Brazil 1965), provides for privileges and immunities, as well as rights and duties arising from the act of notification or accreditation of the diplomatic agent by the accrediting state to the Ministry of Foreign Affairs of the receiving state.

The acceptance of the diplomatic agent is an attribute of the sovereignty of the receiving state, which include the prerogatives of granting *agrément* for military attachés or the accrediting members of the diplomatic staff. This category includes, under the terms of Article 1, subparagraph "*e*," the members of staff of the mission—that is, those who hold diplomatic status, establishing as a rule for their characterization that they be recognized as such by the accrediting state (Article 9), through consultation or formal communication to the receiving State (prior approval, in the case of attachés).[26] This procedure enables the naval attaché to carry out various interactions and dialogues with the structures of the host country, characterizing the use of naval diplomacy.

representing the Army; Air Force attaché (ADIAER)—military attaché belonging to and representing the Air Force. It is also possible to hold multiple positions: defense and naval attaché (ADIDEF/NAV)—military attaché representing both the MD and the Navy; defense, naval, and Army attaché (ADIDEF/NAVEX)—representing the MD, the Navy, and the Army; defense, naval, and Air Force attaché (ADIDEF/NAVAER)—military attaché representing the MD, the Navy, and the Air Force; defense, naval, Army, and Air Force attaché (ADIDEF/NAVEXAER)—military attaché representing the MD, the Navy, the Army, and the Air Force; naval and Army attaché (ADINAVEX)—military attaché representing the Navy and Army; and naval and Air Force attaché (ADINAVAER)— military attaché representing the Navy and Air Force.

25 According to the 1961 Vienna Convention on Diplomatic Relations (VCDR), accreditation is the act by which the Brazilian government grants authority to an individual to represent their State, in the specifically designated capacity, before a foreign nation or international organization.

26 Complementarily, Article 6 of the Annex to Decree No. 8,654/2016 (Brazil 2016) provides that the selection for this position requires it to be filled by senior officers in the last two ranks who have completed the Command and Staff Course or its equivalent, as defined by the respective Service. Besides the indispensable requirements for holding the post, professional merit and aptitude are considered decisive factors for the appointment.

Specifically with regard to the DIB, the responsibilities of naval attachés include serving as a channel of dialogue between the Brazilian Navy and its counterparts in the host country, as well as collaborating in the dissemination and promotion of Brazilian PRODES and security industries. Their role also includes reporting possible intentions to acquire defense and security equipment, and assisting in the promotion of the presence of Brazilian PRODES companies at fairs and conventions (Brazil 2016).

Within this framework, we identify an opportunity to employ naval diplomacy, within the spectrum outlined by Till (2009), particularly through the application of coalition-building.

9. Diplomacy and Defense: What Does the Empirical Evidence Reveal?

With the aim of contributing to the studies and bibliographic research employed in this work, semi-structured interviews were conducted with Brazilian Navy officers who are serving or have served as naval attachés in Argentina, Paraguay, and Uruguay during the period under study. These officers observed firsthand the interconnections that have taken shape through naval diplomacy in each of the countries where they are or have been stationed. The results of these interviews are presented below, allowing us to draw causal inferences between the variables in our causal chain.

9.1. Analysis of Responses to Question 1

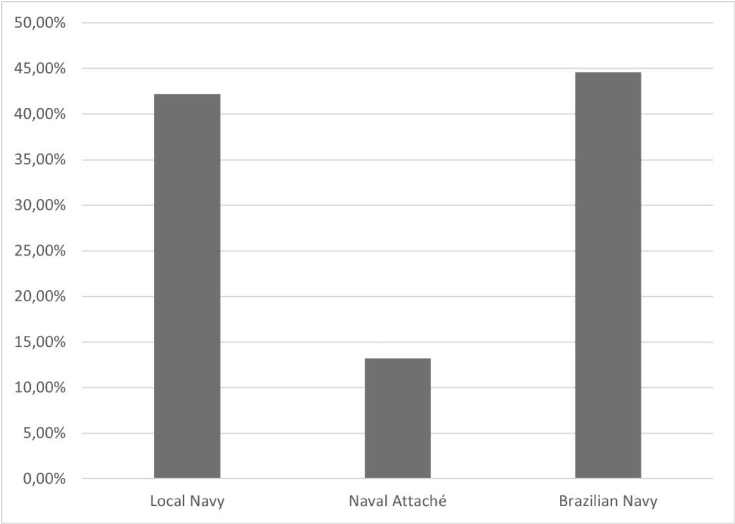
When asked whether, during the period in office, *they had the opportunity to address issues related to the Defense Industrial Base*, 100% of the naval attachés in Argentina, Paraguay, and Uruguay responded affirmatively. However, upon analyzing the frequency of such actions, it was noted that these interactions did not exceed a dozen negotiations per year, with a subtle difference also in how often each attaché dealt with the matter. This fact may be interpreted as a lack of standardization of PRODES-related activities by the higher administrative echelon, which could be solved, for example, through the creation of a structured agenda to guide such engagements and the specific frequency of these approaches, thereby enabling more homogeneous and assertive results.

9.2. Analysis of Responses to Question 2

Regarding the origin of engagements concerning matters related to the DIB, when the naval attachés from Argentina, Paraguay, and Uruguay were

asked to describe *whether such initiatives stemmed from the Brazilian Navy, from the local Navy, or from the naval attaché's own effort*, it was found that most of the negotiations were carried out at the request of the Brazilian Navy, with a considerable number of actions also resulting from the initiative of the local navy, as illustrated in the chart below:

Chart 1. Question 2—Origin of Initiatives



Source: Prepared by the authors (2024).

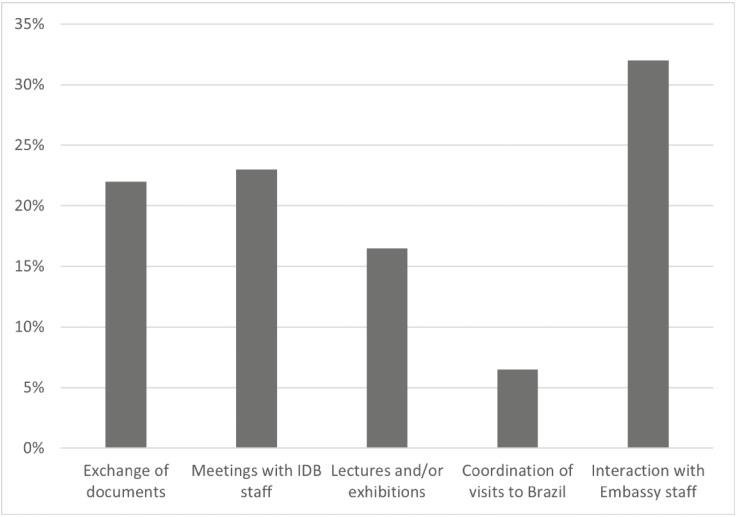
9.3. Analysis of Responses to Question 3

The naval attachés in Argentina, Paraguay, and Uruguay were asked about *which mechanisms were employed in the interactions addressing the DIB*. In this diplomatic context, it is worth noting the potential use of mechanisms from the MERCOSUR structure as a means of strengthening dialogue concerning PRODES. As an example, the implementation of a Joint Declaration drafted between Brazil and Argentina in 2023 stands out, which can be used as a tool for cooperation in the field of defense, whose resulting guidelines can be implemented with the support of naval attachés.[27] Finally, the results

27 On January 23, 2023, the President of the Federative Republic of Brazil, Luiz Inácio Lula da Silva, made an official visit to the Argentine Republic at the invitation of that country's President at the time, Alberto Ángel Fernández. Meeting in Buenos Aires, the two Presidents reaffirmed the strategic alliance between their countries, reviewed the broad scope of bilateral relations, and assessed the status of existing commitments.

pertaining to the mechanisms used in interactions involving the DIB are presented in the chart below:

Chart 2. Question 3—Mechanisms Used in Interactions that Addressed the DIB



Source: Prepared by the authors (2024).

It should be noted that, among the various possibilities listed, the interactions of the naval attaché with the diplomatic staff of the embassy of the country to which they are assigned stand out.

9.4. Analysis of Responses to Questions 4, 5, 6, and 7

When asked about the *difficulties encountered in carrying out measures pertaining to DIB-related negotiations*, the responses indicate that, from the point of view of the naval attachés, the greatest challenges lie in the availability of material and financial resources needed to give greater dynamism to such initiatives. With regard to *whether dialogue was directed more closely through the embassy's diplomatic corps or via the MRE, through the Navy*, the responses suggest that there was a flow of information and updates on negotiations with local military forces, shared with the Brazilian ambassador and his

In this context, they reiterated their intention to deepen and strengthen bilateral dialogue in strategic areas, including the defense sector.

advisors. This included negotiations for potential PRODES acquisitions and coordination to address the matter in bilateral diplomatic meetings.

In addition to these aspects, naval attachés were asked *what further opportunities for improvement they could identify for promoting the DIB*. The responses point to possible initiatives, such as increasing engagements with the Joint Chiefs of Staff of the Armed Forces, better preparation of attachés for the mission, with regard to the DIB, and promoting visits by authorities from these states to events held in Brazil, such as LAAD.[28]

10. Final Considerations

This article sought to analyze the contribution of naval attachés to the promotion of the Defense Industrial Base (DIB) in the Southern Cone of the subcontinent, specifically Argentina, Paraguay, and Uruguay, between 2021 and 2023, from the perspective of naval diplomacy. To this end, key theorists on the field—in particular Till (2009)—were used as epistemological support for interpreting data collected through documentary research and semi-structured interviews.

We sought to contribute to understanding the correlation between diplomacy and defense, listing synergies that indicate pathways of achieving national objectives, particularly by identifying the potential of employing naval attachés in promoting PRODES in the Southern Cone between 2021 and 2023.

The research also showed that the blue economy, defined as the sustainable use of ocean resources to foster economic development, improve livelihoods, and ensure the health of aquatic ecosystems, integrates aspects of sustainability that were not considered in the traditional sea economy. Furthermore, in the Brazilian context, the blue economy is strongly linked to the country's maritime vocation, given that Brazil possesses one of the world's largest coastlines, as well as a significant underwater area with high potential for exploration, exemplified by the Rio Grande Rise.

It was also identified that Brazil has sought to align its maritime capabilities with the blue economy, emphasizing the development of the DIB. This includes the production of dual-use artifacts (civil and military), such

28 LAAD Defence & Security—International Defence and Security Fair—is held in Brazil with the institutional support of the Ministry of Defense, the Armed Forces, the Ministry of Justice, and the Brazilian Public Security structure. The exhibition brings together manufacturers and suppliers of technologies for the Armed Forces, Police, Special Forces, defense and security industry executives, and government agencies. See: https://laadexpo.com.br/.

as patrol vessels and merchant marine vessels. Despite advances, the DIB faces challenges, such as difficulty accessing international markets and low utilization of public instruments to support exports. However, initiatives such as the 6th DIB Brazil Exhibition symbolize the sector's growth potential, which already generates millions of jobs and contributes to the country's exports.

The research also examined the role of the DIB from the perspective of naval diplomacy as a strategic instrument for leveraging the sector. The study focused on the integration between diplomacy and defense, highlighting that these two areas are complementary and fundamental to Brazil's international projection. It was observed that the DIB has great potential for growth and exports, particularly to MERCOSUR countries, where the demand for defense equipment and services can be explored. In this context, it was found that naval diplomacy stands out as an essential tool for strengthening diplomatic and military relations, as well as for opening new markets for the Brazilian defense industry.

Regarding the elements of the causal chain, specifically concerning the coordinated actions between the Brazilian Navy (MB) and the Ministry of Foreign Affairs (MRE) as an intervening variable, the open-ended responses to the questionnaires identified initiatives to promote PRODES, using naval diplomacy as a key instrument. This points to the potential for interaction between the MB and the MRE.

It should also be noted, as highlighted in the semi-structured interviews, that this diplomatic channel can be expanded to obtain more effective results through: 1) increasing the flow of information and updates on negotiations with local military forces, 2) support from the local Brazilian ambassador and their advisors, including negotiations for possible PRODES acquisitions and coordination to address the matter in bilateral diplomatic meetings, and 4) promotion of possible initiatives, such as increased engagement with the Joint Chiefs of Staff of the Armed Forces. In addition, better preparation of attachés for the mission regarding the DIB can enhance the effectiveness of the tasks they perform.

In exploring the dependent variable, the research identified critical conditions that must be considered in strategies for achieving national objectives, specifically for the promotion of PRODES, namely: 1) building of a trust-based environment, which constitutes the central element of naval diplomacy; 2) promoting interactions through negotiations, meetings, and participation in events, which can materialize the use of foreign policy under the responsibility of the MRE, with the contribution of the MB, expanding the potential for support and promotion of PRODES and the DIB. These

aspects result from the use of the appropriate diplomatic channel and the trust established between the naval attaché and the Navy of the host state, to deal with matters related to PRODES.

Therefore, the study points out that increasing the synergy between defense and diplomacy, through coordinated action by the Ministries of Defense and Foreign Affairs, is vital to maximize the opportunities for the DIB in the Southern Cone. In this sense, naval attachés, in addition to performing their traditional role of diplomatic representation, emerge as strategic agents in building a network of international cooperation focused on the development of the defense industry.

Finally, during the period analyzed (2021–2023), the attachés acted not only as intermediaries between governments and armed forces but also as facilitators of business opportunities for the DIB, promoting technologies, products, and services of the Brazilian military industry in Southern Cone markets. These results corroborate the hypothesis that naval diplomacy, through attachés, plays a strategic role in strengthening the DIB, expanding its presence and competitiveness on the international stage, and acting as a driver of the DIB's growth by contributing to Brazil's integration into regional production chains.

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APPENDIX—Questionnaire administered to Brazilian Navy attachés to the Argentine, Paraguayan, and Uruguayan navies

1. During your term in office, did you have the opportunity to deal with matters related to the IDB?

( ) Yes. If so, how often were these actions carried out?

( ) No.

1.1. If you answered "yes," how often were these actions carried out?

2. Could you describe who took the initiative to address issues related to the IDB, in approximate percentages?

% of negotiations carried out at the request of the Navy:_____

% of negotiations conducted in response to a request from the local Navy:_____

% of negotiations on the initiative of the naval attaché:_____

3. Could you indicate which mechanisms were used in interactions dealing with the IDB, in approximate percentages:

% of interactions using only the exchange of documents: _____

% of interactions using work meetings: _____

% of interactions attending or presenting lectures: _____

% of interactions for coordinating the sending or receiving of IDB representatives: _____

% of other types of interaction: _____ (which ones?)

4. What difficulties were encountered in carrying out these actions?

( ) availability of time

( ) availability of financial and material resources

( ) other

( ) none

4.1. If you chose "other," would you please describe the difficulties you encountered in carrying out these actions?

5. During your term in office, with regard to matters related to the IDB, was there any guidance or dialogue with the embassy's diplomatic corps or directly by the MRE, via MB? How often were these actions carried out?

6. What opportunities for improvement do you see to increase the promotion of the IDB, with regard to the initiatives implemented that can count on the support of the naval attaché?

7. Would you like to make any other comments on the role of the attaché in promoting the IDB?

THE BRAZILIAN EMBASSY IN BARCELONA: THE TRANSFER OF THE BRAZILIAN FOREIGN MINISTRY HEADQUARTERS TO CATALONIA DURING THE SPANISH CIVIL WAR (1938–1939)

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Abstract

At the height of the Spanish Civil War in 1938, the Brazilian Embassy in Spain relocated its headquarters from Madrid to Barcelona. The Consulate General in the Catalan capital then became responsible for safeguarding Brazil's political interests in Spain. The Madrid chancellery building remained in the possession of the Brazilian state and became a refuge for asylum seekers. In the aftermath of the conflict, there were episodes of aggression, detention, and theft of property from the last ambassador in Madrid during the Second Spanish Republic. In addition, the chargé d'affaires took up residence in Arenys de Mar, where he provided assistance to Catalan children. These episodes highlight the actions of Brazilian diplomacy amid the upheaval of the Spanish Civil War and foreshadow an equidistant position between Republicans and Nationalists—a stance Brazil would soon adopt again at the outset of World War II.

Keywords: Spanish Civil War. Barcelona. Brazilian diplomacy. Getúlio Vargas. Francisco Franco.

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A EMBAIXADA DO BRASIL EM BARCELONA: A TRANSFERÊNCIA DA SEDE DA CHANCELARIA BRASILEIRA PARA A CATALUNHA NA GUERRA CIVIL ESPANHOLA (1938-1939)

Resumo

Em 1938, no auge da Guerra Civil Espanhola, a sede da Embaixada do Brasil na Espanha foi transferida de Madri para Barcelona. O Consulado-Geral na capital da Catalunha passa, então, a responder também pelos interesses políticos nacionais no país ibérico. O prédio da chancelaria em Madri é mantido em posse do Estado brasileiro e recebe fluxo de solicitantes de asilo. Ao final do conflito, há episódios de agressão, detenção e subtração de bens do último Embaixador em Madri durante a Segunda República Espanhola. Além disso, o encarregado de negócios fixa residência em Arenys de Mar e presta assistência a crianças catalãs. Esses acontecimentos expõem a atuação da diplomacia brasileira no convulsionado contexto da Guerra Civil Espanhola e antecipam posicionamento equidistante entre republicanos e nacionalistas, o que se repetiria pouco depois no início da Segunda Guerra Mundial.

Palavras-chave: Guerra Civil Espanhola. Barcelona. Diplomacia brasileira. Getúlio Vargas. Francisco Franco.

LA EMBAJADA DE BRASIL EN BARCELONA: EL TRASLADO DE LA SEDE DE LA CANCILLERÍA BRASILEÑA A CATALUÑA DURANTE LA GUERRA CIVIL ESPAÑOLA (1938–1939)

Resumen

En 1938, en pleno apogeo de la Guerra Civil Española, la sede de la Embajada de Brasil en España se trasladó de Madrid a Barcelona. El Consulado General en la capital catalana pasó entonces a responder también por los intereses políticos nacionales en el país ibérico. El edificio de la cancillería en Madrid siguió siendo propiedad del Estado brasileño y recibió un flujo de solicitantes de asilo. Al final del conflicto, se producen episodios de agresión, detención y sustracción de bienes del último embajador en Madrid durante la Segunda República Española. Además, el encargado de negocios fija su residencia en Arenys de Mar y presta asistencia a niños catalanes. Estos acontecimientos ponen de manifiesto la actuación de la diplomacia brasileña en el convulso contexto de la Guerra Civil Española y anticipan una posición equidistante entre republicanos y nacionalistas, que se repetiría poco después, al inicio de la Segunda Guerra Mundial.

Palabras clave: Guerra Civil Española. Barcelona. Diplomacia brasileña. Getúlio Vargas. Francisco Franco.

A little-known episode in the history of Brazilian foreign policy is the brief period when the Brazilian Embassy in Spain operated in Barcelona rather than Madrid. Spain had become the stage of what would later go down in history as the prelude to World War II: the Spanish Civil War, a conflict that foreshadowed the international dimensions of the struggle soon to erupt between the Allies and the Axis.

On July 17, 1936, the self-proclaimed "Nationalists" rose up against the newly elected republican government of Manuel Azaña, of the Spanish Popular Front. They believed that it represented a communist threat, contrary, therefore, to the "traditional values of Spanish Catholic society," as noted by historian Thaís Battibugli (2018, 43). Thus began the Spanish Civil War, which would last until April 1, 1939, ending with the fall of the Second Republic and the rise to power of *caudillo* Francisco Franco.

What the rebels had initially envisioned as a swift uprising, an *alzamiento*, escalated into a long and exhausting conflict (Preston 2016). Initially, despite the outbreak of hostilities, the Republican government maintained its official headquarters in Madrid. However, as Nationalist troops advanced, in November 1936, the Second Republic government decided to temporarily relocate to Valencia for security reasons.

13. Spanish Civil war 1936–39: anarchist militia in Barcelona, 1936, on an improvised armoured vehicle.

Source: Hobsbawm, Eric J. *The Age of Extremes: 1914–1991*. First Vintage Books, 1996.

The outbreak of the conflict had almost immediate consequences for the regular functioning of Brazil's diplomatic missions in Spain. As Rogério de Souza Farias notes, on August 22, 1936, less than two months after the July 17 uprising against the Popular Front,

> the government authorized diplomatic and consular officials in Spain to withdraw from the country, taking with them any Brazilians who wished to accompany them, while safeguarding existing archives and valuables as best they could (Farias 2021, 243).

In other words, the Brazilian government had already authorized the evacuation of its officials and nationals from Spain even before the Spanish government's first relocation. Despite this, the embassy in Madrid continued to operate under Ambassador Alcebíades Peçanha, the brother of former President Nilo Peçanha. In October 1937, less than a year later, the Republican government moved its headquarters once again, this time to Barcelona, to escape the steady military advance of the Nationalists. Amid this political turmoil, Ambassador Peçanha informed the Brazilian Minister of Foreign Affairs on December 11, 1937, of the Second Spanish Republic's decision to transfer its seat of government to Barcelona (Brazil 1937). Ambassador Peçanha once again chose to remain at his post until February 5, 1938, when First Secretary Carlos da Silveira Martins Ramos took over as chargé d'affaires.

Two months later, on February 10, 1938, Martins Ramos reported from Barcelona that "there is no longer any justification, at least for the time being, for our remaining in Madrid, the main center of the tragic conflict that for almost two years has divided Spain and the Spanish people into two distinct camps" (Brazil 1938a). In the same document, he noted that the Secretary-General of the Spanish Ministry of State himself had expressed the wish that the Brazilian Embassy's temporarily relocate its chancellery to the capital of Catalonia, following the "example of the embassies of Great-Britain, France, Argentina, Mexico, Belgium, the United States of America, and the legations of Sweden, Holland, Norway, etc." (Brazil 1938a).

The Transfer of the Headquarters of the Brazilian Embassy in Spain to Barcelona

The Brazilian Embassy officially transferred its headquarters to Barcelona on March 4, 1938, following authorization from the Secretary of State for Foreign Affairs. From March 25 of that year onward, the designation "Embassy

in Barcelona" began to appear in official communications. The Itamaraty Palace, then headquarters of the Ministry of Foreign Affairs in Rio de Janeiro, began to send documents "To the Embassy in Barcelona," with specific instructions on how to proceed amid the Spanish conflict, particularly in matters concerning asylum seekers in Madrid.

Brazil's political, consular, and administrative interests during the turbulent Spanish context were handled from Barcelona. No ambassador was ever appointed to the city, and the official letters sent to Rio de Janeiro continued to be signed by the Consul General, Martins Ramos. Due to the many sensitive issues handled at the time, a considerable part of the files were classified to some degree.

Even so, the Embassy's facilities remained operational in Madrid in order to preserve the permanent archive and library. The Embassy building also ended up being responsible for "the archives of the Japanese Embassy, which had been entrusted to Ambassador Peçanha by his Japanese colleague when relations between that country and Spain were severed" (Brazil 1939a). In addition, a humanitarian issue was imposed on Brazilian diplomacy, since "a large number of people, of both sexes, some of Brazilian nationality, flocked to this embassy in search of asylum [...] in the embassy building at Paseo de la Castellana, no. 55," so that the "adjacent house, no. 57, was rented and renamed 'the annex,' where the asylum seekers lived" (Brazil 1939a). By the end of the conflict, sixty people had been received by Ambassador Peçanha and sheltered for varying periods at the Brazilian embassy in Madrid, "with most remaining there until the capital was taken by nationalist forces" (Brazil 1939b), which finally happened in January 1939.

However, before that, and as time went by, the chargé d'affaires in Barcelona began to question Brazil's asylum policy in Madrid. According to Martins Ramos, "the rebels, refugees in the 'annex,' were in no danger whatsoever, except that of having to serve in the ranks of the Republican army." Furthermore, for the chargé d'affaires, Brazil could not even welcome adults subject to military conscription into its embassy, except in cases of desertion. To reinforce his argument that the policy was miguided, Martins Ramos even reported an episode of "fighting" among the asylum seekers in a letter addressed to the Secretary of State (Brazil 1938b).

Vargas' Strategic Neutrality between Republicans and Nationalists

Despite his sympathy for Francisco Franco, Getúlio Vargas avoided taking an explicit stance in the Spanish conflict. Although Brazil shared certain ideological affinities with members of Franco's Falange, it did not sever relations with the Republicans during the conflict.

The donation of commodities in 1936 illustrates Brazil's ambiguous position. That year, Vargas unofficially sent coffee and sugar to Franco's troops, a gesture that earned him Franco's gratitude in a letter sent from his headquarters in Salamanca. In the letter, identified by historian Eliane Venturini, Franco thanks

> the shipment of coffee and sugar to the troops fighting against the "Marxist hordes." He stated that Spain was linked to Brazil by "spiritual and emotional ties." He also said that, in response to Vargas' request, the donation would be kept "within the strictest confidentiality" (Venturini 2022, 233).

Franco showed that he was aware of the political consequences that this rapprochement could entail by ensuring that the donation would remain confidential, which is why he suggested publicizing the Brazilian leader's gesture only when circumstances allowed, "so that all the Spanish people could thank him" (Franco 1936).[4]

If the Nationalists, still far from securing victory, received support from the Brazilian government, Vargas was equally careful to extend gestures to the opposing side, the Republican government. In that same year, 1936, Brazil made another donation of coffee to Spain, this time officially, to the Second Republic (Venturini 2022). The gesture was reported in the Catalan newspaper *La Vanguardia*. In an interview, Spanish Foreign Minister Alvarez del Vayo expressed his gratitude for the donation of 300,000 kilograms of coffee, to be "sent to the civilian population" (Brazil 1938c).

Another episode that illustrates Brazil's neutrality appears in a document dated December 1938, in which Martins Ramos gives a contemporary assessment of events later confirmed in historical terms. The document concerned the

4 The letter sent by Franco to Vargas is part of the collection of the Center for Research and Documentation of Contemporary Brazilian History. CPDOC/FGV (1936). "Letter from Francisco Franco to Getúlio Vargas thanking him for sending bags of coffee and sugar to his troops (Vol. XXIV/44). Salamanca, October 26, 1936." https://docvirt.com/docreader.net/correspgv2/7898.

advisability of appointing a representative to General Franco in Burgos,[5] following the example of other countries. Martins advised against establishing relations with the Burgos government, in view of its flagrant disregard for international law, and instead recommended maintaining neutrality in the conflict—a stance that was adopted by the Brazilian government.

On December 29, 1938, Martins Ramos sent another letter to Rio de Janeiro to discuss the repatriation of Brazilians who had fought in the Republican ranks and were then held in "various concentration camps established in the territory of the Republic." He noted that the previously reported figure of 24 imprisoned Brazilians was an underestimate: the actual number was closer to 40.[6] Among them were "several former officers of the Brazilian army, who were involved in the communist uprising of 1935, such as Captain Costa Leite, who attained the rank of colonel in the People's Army here" (Brazil 1938d). These military personnel had been convicted by Brazilian courts for their participation in the 1935 uprising. Even so, Brazil intended to repatriate them.

In a dispatch to Martins Ramos, the Secretary of State reported that "the Spanish government, faithful to its commitment to the Non-Intervention Committee, has decided to proceed with the demobilization and repatriation of foreign combatants, and wishes to know whether the Brazilian government would agree to repatriate about forty nationals, including twenty-four volunteers in the Republican army." The expenses, however, were to be "borne by the Brazilian government, from the Franco-Spanish border." Another condition stipulated by Brazil was that "no penalties be imposed on the repatriated." Repatriation, in this sense, implied amnesty in Spain.

Residence in Villa Carmen

With the intensification of the Spanish Civil War and the advance of Franco's troops into Catalonia, security conditions in the provincial capital, Barcelona, deteriorated to the point that it was no longer advisable for diplomatic offices to remain in that city. Between March 16 and 18, 1938, Barcelona endured a series of air raids by Italian forces, in support of the

5 As historian Eliane Venturini (2018, 157–158) explains, "Government of Burgos" (also called "National Zone") referred to "the name given to the rebel government, whose core was established in the city of Burgos, north of Castilla y León."

6 Twenty-four referred only to the number of volunteers in the Republican army.

Nationalists, which severely damaged the city center and killed thousands of people (Villa 2017).

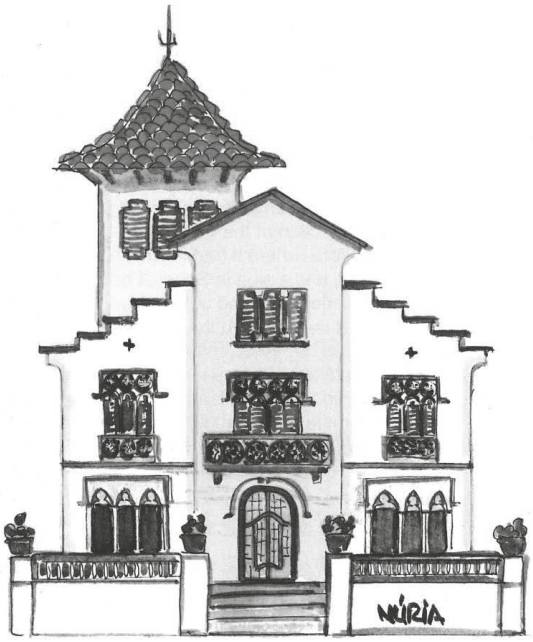
These circumstances led the Republican government to instruct foreign representatives to relocate their headquarters from Barcelona to the Maresme region, a coastal area north of the city, particularly in the municipalities of Caldes d'Estrac, Sant Vicenç de Montalt, Arenys de Mar, Premià de Dalt, and Sant Andreu de Llavaneres.

In this context, the embassies of Argentina, Belgium, Bolivia, Bulgaria, Costa Rica, the United States, France, Mexico, New Zealand, Panama, the United Kingdom, Sweden, and Switzerland were established in that region, as well as the consulates of Chile, Denmark, France, and the United Kingdom (Consell Comarcal del Maresme 2023).

Martins Ramos took up residence in Villa Carmen, Arenys de Mar, "about 40 kilometers from Barcelona," where he and his wife began "to attend to the needs of the most disadvantaged children in the area, offering them lunch and a snack twice a week, on Wednesdays and Saturdays." The couple cared for children aged six to twelve from nearby schools, who came to their home in groups of up to 50 students. The food was obtained in Perpignan, a city in southern France (near the Spanish border and about 200 kilometers from Barcelona) (Consell Comarcal del Maresme 2023, 77).

The diplomat suggested that the aid, provided on a personal basis by the couple, be transformed into an official contribution with the creation of "El Hogar Brasileño" (Brazil 1938e), following the example of other countries, such as Sweden. According to Ismara Izepe de Souza,

> Itamaraty did not authorize the formalization of this type of aid, given the mistrust that hung over the Spanish Republicans and the alleged lack of funds for extraordinary expenses of the Ministry of Foreign Affairs (de Souza 2018, 23).



Official residence of Brazil in Villa Carmen, Arenys de Mar. In: Consell Comarcal Del Maresme (2023). *La Guerra Civil al Maresme*. La impremta d'Argentona, 77.

Grupo de crianças espanholas auxiliadas por Carlos da Silveira Martins Ramos. Fotografia anexada ao ofício n.110 de Carlos da Silveira Martins Ramos, encarregado de negócios do Brasil para Oswaldo Aranha, ministro das Relações Exteriores. Barcelona, 01 nov. 1938. Lata 716, maço 10364. Arquivo Histórico do Itamaraty/RJ.

On February 10, 1939, after the Nationalists took Barcelona, marking the final phase of the Spanish Civil War, Martins Ramos, from Perpignan, wrote a letter to the then Secretary-General of Foreign Affairs, Cyro de Freitas Valle. In the letter, he reports that he had been "the last foreign diplomat to leave," taking the post's archives with him. The Consulate General of the United States of Brazil in Barcelona would remain under the charge of Deputy Consul Aluísio Magalhães, and the structure of the official residence was maintained in Arenys de Mar under the care of the cook, a Hungarian national, and other employees. The annex of the Embassy in Madrid continued to house the 40 asylum seekers.

Although Martins Ramos initially hesitated to predict the outcome of the conflict, he expressed little optimism. He highlighted the defection of a third of the Republican army, including "some of the main military and political leaders" who "cowardly abandoned the country" and the recapture of cities with almost no resistance, such as Tarragona, Girona, Figueras, and even the capital of Catalonia, Barcelona:

> The Spanish case is so complete that no one dares to make predictions. The civil war may end quickly, but it may also take a few more months. No one predicted the tragic end of the Catalan army, which was supposed to be properly equipped to resist until next summer. The government itself was taken by surprise. And terrible surprises have been coming ever since. None of the lines of resistance withstood the Nationalist attack, supported by powerful Italian contingents (Brazil 1939d).

Amid this scenario, Martins Ramos predicted: "Franco currently controls 98% of Catalonia. Tomorrow, his complete occupation will likely be complete." At the end of his correspondence, Ramos abandons his ambiguous stance on the events:

> I repeat my opinion on the situation: the Republican government is dead; the Republican army, in turn, is dying of starvation due to lack of food. Is it really worth continuing here, watching over a corpse? You will know better than I. But the truth is that I am repulsed by the idea of lending Brazil's solidarity to a handful of politicians who, out of pride alone, wish to prolong this slaughter that has lasted for almost three years. Incidentally, I must say that the Republican government does not care about us in the least.

> Since it hastily abandoned Barcelona, we have lost all contact with its leaders (Brazil 1939d).

As Venturini (2022, 234) explains, "in March of the same year (1939), Brazil recognized Franco as the legitimate representative of the Spanish people," in line with the position adopted by other countries, such as France and the United Kingdom. The problem of asylum seekers at the Embassy headquarters in Madrid was also resolved; after all, as historian Ismara Izepe de Souza recalls, "before the end of the war, three dozen asylum seekers left the Brazilian representation" (de Souza 2018, 26).

The Role of Brazilian Diplomacy in the Outcome of the Spanish Civil War

Shortly after Franco's victory, Martins Ramos was instructed by the Brazilian government to leave his post as chargé d'affaires at the Brazilian Embassy in Spain. Argeu de Segadas Machado Guimarães was appointed to replace him.

In June 1939, with Francoism consolidated, the new chargé d'affaires wrote an extensive confidential letter on the "moral profile of Generalissimo Franco" (Brazil 1939c), in which he praises the caudillo's personality and his spirit of leadership—Franco was affectionally called "*capitán Franquito*" by his soldiers. His admiration extends to Franco's behavior: according to Guimarães, he "never smoked a cigarette or drank a glass of wine" and had "confirmed the death sentence" of his own brother-in-law, "one of the heads of the Tetuán air base," at the outset of the military uprising. Even the general's supposed benevolence in the administration of the special courts established by Franco is praised by Argeu Guimarães:

> To give you an idea: dozens of courts operate in the country to carry out the "purge" of all classes, with daily death sentences; none of the sentences are carried out without prior review by the caudillo, who, amid exhaustive work, studies all the evidence, indictments, and arguments in each case to ensure that justice is neither hasty nor precarious. The condemned thus wait up to six months for the sentence to be carried out, which, by virtue of the equanimity of the head of state, may be mitigated at the last minute in the supreme court (Brazil 1939c).

With a markedly pro-Franco stance, the diplomat ends his correspondence addressed to Foreign Minister Oswaldo Aranha with a "praise of the caudillo":

> Unique and remarkable in many ways, Francisco Franco embodies, in the modern Spanish environment, the pure and classic type of "caudillo," a word that takes on a lofty meaning, unknown in our lexicon, and characterizes a strong personality, a guide and arbiter capable of rallying an entire people behind him (Brazil 1939c).

The end of the Spanish Civil War, however, did not bring about an immediate normalization of diplomatic relations between Brazil and Spain in practical terms. Argeu Guimarães initially sent his official correspondence to the Itamaraty from San Sebastián, in the Basque Country, northern Spain. When the embassy in Madrid was inspected after the conflict, it was found that "the belongings of Ambassador Peçanha and Secretary Fernandes Pinheiro" (Brazil 1939b), left in the chancellery, had been looted.

In June 1939, Ambassador Alcebíades Peçanha was summoned before the Military Court to respond to allegations, made by three witnesses, of mistreatment of asylum seekers at the embassy annex at the beginning of the conflict. In addition, "on his way to the embassy apartment building, he was cowardly and brutally assaulted, including by officers[7] who accompanied him" (Brazil 1939e). That same day, Peçanha was detained and advised by the representative of the Ministry of Foreign Affairs to "leave Spain," which "had already been ordered to release [him]" (Brazil 1939f). The release only occurred five days later. Ambassador Peçanha left Spain shortly after the incident. According to Argeu Guimarães, this was not an isolated incident:

> Finally, it is important to note that cases of rudeness and violence against diplomats, whether on duty or not, have been repeated in Spain today, highlighting the intransigence with which people who had contact with the authorities of the former Spanish Republic are persecuted, even though no special charges have been brought against them (Brazil 1939g).

In view of the aggression and arrest suffered by Peçanha, Itamaraty prepared a verbal note to the Spanish Embassy, proposing reciprocal measures if the ambassador was not "immediately released and allowed to leave Spanish territory with all the guarantees to which he is entitled." In the communication

7 In this case, Spanish officers.

signed by Macedo Soares, which "was not sent because the matter was satisfactorily resolved," it was proposed to "use complete freedom of action in relation to the Spanish diplomatic representation in Rio de Janeiro, and accordingly do whatever circumstances dictate" (Brazil 1939h).

On November 16, 1939, with the relative normalization of diplomatic relations with Franco's Spain, Brazil sent a telegram to the Embassy in Madrid asking it to "send information about Raimundo Fernández-Cuesta, for whom the Spanish government has just requested *agrément* as ambassador" to Brazil. The following day, Abelardo Roças replied that Fernández-Cuesta was "Minister of Agriculture in the previous cabinet, former minister, secretary of the Falange, legal advisor to the Navy, and a leading figure in the current regime, having been held prisoner by the communists for a year and then exchanged." After receiving the *agrément*, Raimundo Fernández-Cuesta would become Spain's first ambassador to Brazil during the dictatorship of Francisco Franco, a regime that would last until 1975.

Franco's victory encouraged the campaign of Hitler's Germany and Mussolini's Italy in World War II. According to Julián Casanova (2007, 261), the international scenario at the end of the 1930s did not provide conditions conducive to peace, which significantly affected the duration and outcome of the events of the Spanish Civil War. Similarly, Paulo Roberto de Almeida (2022, 164) states that the conflict was "an international civil war, even though it was fought mainly on European territory." Like Salazar's Portugal, the Spanish caudillo chose to remain neutral in the conflict and managed to extend his regime until 1975. Getúlio Vargas, in turn, was urged to abandon his pragmatic equidistance and declare war on the Axis in 1942, in line with the position adopted by the United States and a significant number of Latin American countries. Brazil's participation in the conflict, which expressed the inconsistency between the fight against fascist regimes abroad and the maintenance of the Estado Novo domestically, would be pointed out as one of the causes that led to Vargas' downfall in 1945.

With the end of the conflict, the owner of the building that housed the Brazilian chancellery in Madrid asked Itamaraty to "vacate the building at Paseo de la Castellana No. 57, in order to occupy it" (Brazil 1939h). The Brazilian representation left the Castellana address in 1941 and has since been located at Calle Fernando El Santo, No. 6, a property acquired permanently in 1944,[8] where it operates to this day.

8 https://www.gov.br/mre/pt-br/embaixada-madri/madri-arquivos/historia-do-edificio-da-embaixada.

"Building of the Brazilian Embassy in Madrid." https://www.gov.br/mre/pt-br/embaixada-madri/madri-arquivos/historia-do-edificio-da-embaixada.

The actions of Brazilian diplomacy in Spain during the Civil War reflect a trait identified by historiography in the foreign policy of the Vargas government. In a way, the "double game" (Cervo and Bueno 2011), the "pragmatic equidistance" (Moura 1980), or what we call here "strategic neutrality" can be identified in the gestures made toward both sides of the conflict, the Nationalists and the Republicans. On the one hand, there was legal recognition of the Second Republic government until the end of the conflict—including the relocation of the embassy from Madrid to Barcelona and, later, to Arenys de Mar, north of that city—with the victory of Franco's troops; on the other hand, there was the donation of coffee and sugar to the rebels (Venturini 2022).

In addition, the granting of asylum in Madrid to Nationalists fleeing the Republican regime (Souza 2018) and the reception in Arenys de Mar of children, a group acutely affected by the consequences of armed conflict, also corroborate the equidistant attitude of Itamaraty in the midst of the conflict. The "contradictions within the government itself" (Cervo and Bueno 2011, 252), with actors more or less inclined towards the United States or Germany,

can also be observed in the interpretations and positions adopted towards nationalists and republicans in Spain.

The Consulate General of Brazil in Barcelona after the Spanish Civil War

The Consulate General in Barcelona was the first post of diplomat João Cabral de Melo Neto, who initially lived in the city between 1947 and 1950, where he served as vice-consul and published *O cão sem plumas* (The Dog without Feathers). The poet returned to live in the Catalan capital between 1967 and 1970, when he held the position of consul general. During this period, the Brazilian consular representation was located in the "*rascacielos* Urquinaona," also known as the Fàbregas building, in Urquinaona Square, as recalled by Professor Basilio Losada Castro (2009).

According to Losada Castro, the poet revitalized Barcelona's cultural life during its most difficult years. In a country dominated by Francoism, Cabral maintained friendly relations with leading figures of the avant-garde *Dal al Set* movement, such as Joan Brossa, Antoni Tàpies, and Joan Ponç, among others. In Brossa's words about João Cabral,

> His idea was that poetry should point the way to social criticism, but without ever submitting to any theory. It was something very intelligent, something that at that time, in the late 1940s and early 1950s, was not discussed by artists in Barcelona. We lived very limited lives during Francoism, and he opened up new perspectives for us with his ideas. Cabral lived his time, and we didn't [...] (Losada Castro 2009)

João Cabral also wrote a book about the artist Joan Miró, his personal friend.[9]

As British historian Eric Hobsbawm describes, the Spanish Civil War had made the Iberian country "part of the life of every one of my generation." The outbreak of the Spanish Civil War exposed the failure of the multilateralism proposed by the League of Nations, which opted for non-intervention in the

9 The work was published by Casa Amèrica Catalunya, an institution that has existed since 1911, with the aim of promoting the culture of Latin American countries in Catalonia, notably through literature festivals, such as KM Amèrica, and film festivals, such as LATcinema Fest, as well as exhibitions, seminars, and other cultural events, often featuring Brazilian artists and works. Its current director general, journalist, editor, and writer Marta Nin, lived in Brazil for two years and maintains ties with the country, which she visits frequently. In 2023, she was awarded the Order of Rio Branco. Note from the authors.

Iberian country. According to Eric Hobsbawm (1996), General Franco's victory had no significant global consequences—it merely kept Spain (and Portugal) in international isolation for another 30 years. According to Hobsbawm (2002, 371), Spain,

> Despite everything, after 1945 it was still a strange country for other Europeans. In the imagination of all of us, it still belonged to a curious realm in which images of revolution, war, and defeat in arid landscapes were superimposed on images of exoticism—flamenco, castanets, bullfighting, Carmen, Don José, Escamillo—and those of a generic "Hispanicness"—Don Quixote, honor, pride, and silence.

The decision to open the Consulate General of Brazil in Barcelona dates back to the 19th century, in the context of Brazil's post-independence period. On May 20, 1826, Felipe José Ribeiro was the first representative appointed, by decree of Emperor D. Pedro I, to serve as Brazilian consul in Barcelona. Ribeiro, however, was not accredited by Spain, since Brazil would only obtain Spanish recognition as an independent nation in 1834, by resolution of the then Spanish Queen Regent Maria Cristina, after the death of Fernando VII in 1833. The uninterrupted existence of Brazilian representation in Barcelona can only be verified from 1846 onwards, initially as a Vice-Consulate and, since 1881, as a Consulate-General.

The teaching of Portuguese by an official Brazilian institution in Barcelona began informally in 1963, on the initiative of the then Consul General. Classes were held at the Consulate General (Calle Junqueras, 18) as a complementary activity for local employees and contractors. In 1975, a contract was signed to rent a room in the prestigious Casa Amatller, next to Casa Batlló, a tourist attraction located on the well-known Passeio de Grácia Avenue, where, like the previous cultural center, the current Guimarães Rosa Institute in Barcelona still operates today, with growing demand for Portuguese language teaching in the region. In 2021, the Guimarães Rosa Lectureship Program was established at the renowned Autonomous University of Barcelona, further enhancing educational cooperation in Catalonia.

The transfer of the Brazilian chancellery's headquarters to Catalonia during the Spanish Civil War is still a little-known episode in the 200-year history of the Consulate General of Brazil in Barcelona. The constant presence of Brazil's consular representation in Barcelona, with departments for trade and cultural promotion, as well as science, technology, and innovation, and

with an estimated community of more than 80,000 consultees in 2024,[10] demonstrates the continuity of the country's international activities, in line with established constitutional principles. Finally, the study of the Vargas government's actions in the context of the Spanish Civil War anticipates the stance of strategic neutrality that would be adopted in World War II, as can be seen from the donations of coffee and sugar to both Republicans and Nationalists—albeit confidentially in this case—and deserves a special section in the history of Brazilian foreign policy.

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10 With jurisdiction extending from the Basque Country (Álava, Guipúzcoa, and Vizcaya) in the north to Murcia (Murcia) in the south, the Consulate General of Brazil in Barcelona also covers the autonomous communities of Aragon (Huesca, Teruel, and Zaragoza), the Balearic Islands (Ibiza, Mallorca, and Menorca), Catalonia (Barcelona, Girona, Lleida, and Tarragona), the Valencian Community (Alicante, Castellón, and Valencia), La Rioja (Rioja), Navarre (Navarra), and the Principality of Andorra. Authors' note.

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FROM BRIDGE BUILDING TO CHIP DESIGN: BRAZIL–MALAYSIA CHIP DIPLOMACY AND THE NEED TO INNOVATE IN BILATERAL RELATIONS WITH COUNTRIES IN THE GLOBAL SOUTH

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Abstract

This article examines a case study of the efforts undertaken since 2023 to build a bilateral semiconductor agenda between Brazil and Malaysia. Known as *chip diplomacy*, the initiative leveraged a favorable political context and used innovation diplomacy as a tool to advance actions aligned with the industrial policy priorities of Brazil and Malaysia, after assessing the characteristics of their respective sectors. The experience described prompted reflection on the need for Brazil, in its bilateral relations with countries in the Global South, to seek to promote, through an exploratory and horizontal approach, innovative forms of articulation to identify concrete opportunities for collaboration.

Keywords: Global South. Bilateral relations. Semiconductors. Innovation diplomacy. Malaysia.

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DA CONSTRUÇÃO DE PONTES AO DESIGN DE CHIPS: A DIPLOMACIA DOS CHIPS BRASIL-MALÁSIA E A NECESSIDADE DE INOVAR NAS RELAÇÕES BILATERAIS COM PAÍSES DO SUL GLOBAL

Resumo

O artigo registra, como estudo de caso, os esforços empreendidos desde 2023 para desenvolver agenda bilateral em semicondutores entre Brasil e Malásia. Denominada diplomacia dos chips, a iniciativa procurou aproveitar contexto político favorável e utilizou a diplomacia da inovação como instrumento para, após analisar as características do setor nos dois países, apoiar ações alinhadas às prioridades das políticas industriais brasileira e malásia. A experiência descrita motivou reflexão sobre a necessidade de que, em suas relações bilaterais com países do Sul Global, o Brasil busque promover, por meio de abordagem exploratória e horizontal, formas inovadoras de articulação para identificar oportunidades concretas de colaboração.

Palavras-chave: Sul Global. Relações bilaterais. Semicondutores. Diplomacia da Inovação. Malásia.

DE TENDER PUENTES A DISEÑAR CHIPS: LA DIPLOMACIA DE LOS CHIPS ENTRE BRASIL Y MALASIA Y LA NECESIDAD DE INNOVAR EN LAS RELACIONES BILATERALES CON LOS PAÍSES DEL SUR GLOBAL

Resumen

El artículo recoge, a modo de estudio de caso, los esfuerzos realizados desde 2023 para desarrollar una agenda bilateral sobre semiconductores entre Brasil y Malasia. Conocida como «diplomacia de los chips», la iniciativa buscaba aprovechar un contexto político favorable y utilizaba la diplomacia de la innovación como herramienta para apoyar acciones alineadas con las prioridades de las políticas industriales de Brasil y Malasia, tras analizar las características del sector en ambos países. La experiencia descrita suscitó una reflexión sobre la necesidad de que Brasil, en sus relaciones bilaterales con los países del Sur Global, busque promover, a través de un enfoque exploratorio y horizontal, formas innovadoras de coordinación para identificar oportunidades concretas de colaboración.

Palabras clave: Sur Global. Relaciones bilaterales. Semiconductores. Diplomacia de la innovación. Malasia.

1. Introduction: From Bridge Building to Chip Design

Chips and diplomacy are not easy subjects to explain. Semiconductor manufacturing demands absolute precision, whereas diplomatic activity can be flexible and dynamic in practice. At first glance, the two fields seem far apart: engineers might take an interest in understanding the characteristics of international politics, but at least until recently it was uncommon to think of international relations professionals concerning themselves with the stages of the semiconductor production chain.

At least in public debate, it was war, rather than diplomacy, that first pushed chips into the spotlight. The phrase "chip war," popularized by American professor Chris Miller's now-classic book of the same name, has been widely adopted as it conveys the seriousness of today's challenges surrounding semiconductors.

Geopolitical tensions between the United States and China are closely tied to the concentration of an essential stage of the production chain in Taiwan. The race to dominate the sector's technological evolution, whose estimated global value for 2029 reaches US$ 1 trillion, has implications for multiple industries around the world.

The semiconductor supply disruptions triggered by the COVID-19 pandemic not only exposed the complexity of the production chain but also affected several countries, including Brazil. Yet, the "chip war" is still often portrayed mainly as an issue restricted to the game between the major powers and a handful of other developed economies. The Global South, as a rule, is cast in a supporting role, with little room to maneuver.

This article seeks to bring together two traditionally distant and difficult-to-define topics—chips and diplomacy—through a different lens: that of the Global South. It is worth noting that both terms are intentionally used in a broad, and sometimes metaphorical, sense in relation to the central arguments of the text.

Chips, semiconductors, and integrated circuits will be used interchangeably. They refer to components made from semiconductor materials, such as silicon, that can control the flow of electric current in electronic devices. They combine several parts, such as transistors, which, when interconnected in an integrated circuit on a chip, perform tasks such as storing data, processing information, or controlling signals. They are found in household appliances, TVs, cell phones, cars, and satellites, and they play a central role in the infrastructure for artificial intelligence.

Diplomacy is often described metaphorically as the art of building bridges. It is a simplified way of conveying the idea that the diplomatic profession seeks to create conditions for bringing peoples and cultures closer together and forging lasting connections between countries. This goal remains valid, and arguably more necessary than ever.

One of the most relevant trends in contemporary international politics—marked by multiple crises, including the "chip war,"—is the Global South's growing effort to strengthen coordination to assert its interests. This is most evident through coalitions operating across various international forums. A central argument of this article is that it is necessary to go beyond multilateral engagement. Effective forms of collaboration must also be pursued through bilateral relations with countries in this group.

In this context, it may be appropriate to update the traditional metaphor of diplomacy for the 21st century: in addition to building bridges, it is essential to promote chip design. In the case of semiconductors, chip design requires creating the integrated circuit that will coordinate the millions of interrelationships among its various electronic components. Diplomacy that promotes chip design must be able to proactively articulate innovative relationships with multiple public and private actors.

Innovation diplomacy can serve as a tool for Brazil's Foreign Ministry not only to continue building bridges, but also to foster more sophisticated infrastructures of cooperation, particularly in bilateral relations with countries in the Global South. Naturally, this does not imply pursuing a bilateral semiconductor agenda with every country, which would be neither practical nor desirable.

Chip design, due to its technological complexity and relevance in terms of sovereignty, sustainability, and industrial development, serves as a symbol. It underscores the need for diplomatic action to prioritize the shaping of innovative dynamics aligned with national strategic objectives, despite (or precisely because of) unfavorable geopolitical and economic conditions.

Chip diplomacy between Brazil and Malaysia is presented as a case study. Since 2023, efforts to develop a semiconductor agenda have contributed to adding value to the bilateral relationship. Alongside traditional topics such as trade, agriculture, and investment, the two countries are now discussing concrete initiatives that align with their respective industrial policies. While determined by a specific context, the Brazil–Malaysia experience offers insights that may inform future partnerships with other countries in the Global South.

From a structural point of view, after the introduction, we will address the context that favored the launch of the bilateral semiconductor agenda;

the role of innovation diplomacy in advancing the issue; the characteristics of the semiconductors sectors in Malaysia and Brazil; and the parameters for bilateral collaboration. The final sections contain a partial assessment of chip diplomacy between Brazil and Malaysia and offer reflections on Brazil's bilateral relations with Global South countries.

2. Diplomatic Discourse to Summarize the Context

To understand the rapprochement between Brazil and Malaysia in the semiconductor sector, it is useful first to consider the broader context of their bilateral relationship within Brazilian foreign policy, as well as the circumstances that enabled and favored the development of this agenda.

With the exception of the recent time frame, bilateral relations, established in 1959, two years after Malaysia's independence, gained momentum in the second half of 2022, when Brazil became a Sectoral Dialogue Partner of the Association of Southeast Asian Nations, ASEAN. From a political signaling perspective, this new status represented Brazil's recognition of the economic dynamism of the region and its interest in strengthening ties with Southeast Asian countries.

During that same period, for reasons not necessarily related, there was political pressure for Brazil to expand its diplomatic presence in Southeast Asia. The National Congress was the most emphatic advocate of the need for a "strategic foreign policy reassessment" of embassy staffing, so that "trade balance data would be taken into account" (Abreu, 2021).[2] From a quantitative and strategic point of view, the growing relevance of the Asian market for Brazilian foreign trade, particularly in the agro-export sector, was becoming evident.

Political pressure can be identified as one of the main factors that motivated the decision, in 2022, to increase the number of diplomats in Brazilian embassies in Southeast Asia. In the case of Kuala Lumpur, from one ambassador and two secretaries at the beginning of 2021, the Embassy

2 At a public hearing of the Federal Senate's Foreign Relations and National Defense Committee on May 20, 2025, Foreign Minister Mauro Vieira noted that, between 2004 and 2024, trade volume between Brazil and ASEAN grew more than tenfold. In 2024, it reached US$ 37 billion, with a surplus for Brazil of US$ 15 billion. ASEAN is already the fourth-largest destination for Brazilian exports (after China, the United States, and the European Union).

now has, on paper, in 2022, and in practice from the first half of 2023, one ambassador, one minister-counselor, and four secretaries.[3]

The increase in staffing allows, at least in theory, for the expansion of the Post's areas of activity, while also facilitating efforts to deepen political and diplomatic ties and to strengthen and diversify trade flows. Having adequate human resources alone is not necessarily enough, in diplomatic jargon, to "raise the profile of the relationship." In the case of Brazil–Malaysia relations, fortunately, there was a convergence, often rare to observe, between good material conditions and an extremely favorable environment for deepening the relationship.

Two new governments took office at almost the same time, in November 2022 in Malaysia and in January 2023 in Brazil. In general terms, both administrations share similar domestic political priorities and demonstrate alignment on various issues on the international agenda, such as global governance, climate change, peace and security, and the relevance of the Global South.

As a factor of attraction, the terms of Anwar Ibrahim and Luiz Inácio Lula da Silva coincide with significant events on the foreign agenda: in 2025, while Malaysia holds the rotating presidency of ASEAN, Brazil will host COP30 in Belém do Pará and assume the rotating presidency of BRICS, precisely in the year that Malaysia officially became a partner country of the mechanism.

Personal factors also helped facilitate the rapprochement. As an element of Brazil's soft power—and not to be overlooked, especially in countries where knowledge of Brazil remains limited—President Lula enjoys great prestige in Malaysia, particularly with Prime Minister Anwar Ibrahim. Leveraging his network of contacts and his access to local authorities, the then Brazilian ambassador to Malaysia, Ary Norton de Murat Quintella, worked to raise awareness in Kuala Lumpur about the opportunity that presented itself for closer bilateral ties.

From a diplomatic perspective, the rapprochement between two countries can be gauged by the frequency of high-level visits. The mere fact of holding meetings does not necessarily indicate a busy agenda, but it serve as a good indicator. In the case of Brazil and Malaysia, there has been an unprecedented number of interactions between authorities from both countries, notably Prime Minister Anwar Ibrahim's visit to Rio de Janeiro to attend the G20 Summit in November 2024, when he held a bilateral meeting with President

3 The current configuration of the Embassy is as follows: one ambassador, four secretaries, and one agricultural attaché—the latter was created in December 2024 and is held by a career civil servant from the Ministry of Agriculture, Fisheries, and Supply (Brazil, MRE. Ordinances, 2022-2024).

Lula; and President Lula's planned participation in the ASEAN Summit in October 2025, which will break a 30-year hiatus without presidential visits to Malaysia.[4]

The facts briefly described above do not follow each other spontaneously. Diplomatic discourse plays a crucial role in providing cohesion and political meaning to events, whether constructed concurrently with the unfolding of events or *a posteriori*.

Diplomatic discourse has highlighted the potential identified in Brazil–Malaysia relations as follows: circumstantial factors (such as Brazil's presidency of the G20, BRICS, and COP30, and Malaysia's presidency of ASEAN) combined with structural factors (such as both countries being mega-diverse, developing nations, and part of the Global South) generate convergence of priorities and positions. Together, these factors offer an unprecedented opportunity for Brazil and Malaysia to explore new areas of cooperation, such as climate change, health, energy, defense, and science, technology, and innovation—and, within the latter, semiconductors.

On the one hand, chip diplomacy between Brazil and Malaysia benefits from the favorable context, articulated by diplomatic discourse, for its launch. On the other hand, it serves as a concrete example of what the discourse highlighted, contributing to reinforce the perception of an opportunity to deepen bilateral relations.

3. Innovation Diplomacy as an Instrument

Innovation diplomacy provided both the conceptual framework and the practical guidelines—a "roadmap"—for exploring the possibilities of a semiconductor agenda between Brazil and Malaysia, taking advantage of the material conditions and favorable political context.

There are academic works that detail the use of this concept in Brazilian diplomatic practice (Machado 2023; 2024; Pinto 2020). Drawing on these studies, as well as publications by the Ministry of Foreign Affairs (MRE), innovation diplomacy at Itamaraty, by recognizing technological innovation as a strategic national interest of the Brazilian State, can be understood as the use of diplomatic tools to promote Brazil's qualified integration into the global science, technology, and innovation landscape.

4 Before the ASEAN Summit, the Malaysian Prime Minister is expected to return to Rio de Janeiro in July 2025 to attend the BRICS Summit.

A central element for the implementation of this concept was the creation, in 2017, of the Innovation Diplomacy Program (PDI). The Program encompasses technological promotion activities carried out by the science, technology, and innovation (Sectec) sectors of Brazilian embassies abroad, which are guided by three institutional missions: to promote Brazil's image as an innovative nation; to foster connections between Brazilian and foreign partners; and to engage agents from Brazilian innovation ecosystems in internationalization processes.

When an embassy gains the human resources that allow it to explore science, technology, and innovation as a potential area of bilateral relations, as was the case with the representation in Kuala Lumpur in early 2023, the process for establishing a Sectec follows a step-by-step approach. This includes a "Manual" with explanations of concepts, suggestions for activities, and a list of potential interlocutors.

3.1. Networking with Autonomy

For the purposes of this text, the most relevant aspect of innovation diplomacy's conceptual-practical framework is that, without renouncing traditional organizational principles of Itamaraty, such as functional hierarchy and the subordination of overseas posts to the Secretariat of State, it encourages, by the ministry's standards, an innovative model of action.

By relying on networking, both among Sectecs themselves and between embassy sectors and the many actors in the Brazilian innovation system, innovation diplomacy fosters more agile, objective, and collaborative relationships. The Manual states that, "given the complexity of innovation processes, it is necessary for the innovation diplomacy agent to engage in intense networking in order to constructively dialogue, integrate, and connect various actors" within the so-called "quadruple helix of innovation" (Machado 2024), formed by government, academia, the private sector, and civil society.

Another relevant feature of this approach is autonomy of action. Autonomy enables the embassy and the diplomat responsible for Sectec to formulate and execute foreign policy actions in practice. It is worth noting that, always with the knowledge of the relevant area of Itamaraty, actions must also be linked to Brazilian public policy objectives, such as Nova Indústria Brasil, which is particularly relevant to this text.

Operating through networks and with greater autonomy, the diplomat responsible for innovation issues functions as a kind of "street-level bureaucrat" (Pinto 2020). Beyond shaping projects from conception to implementation,

in many cases they are also able to witness the outcomes of the measures adopted, which is often difficult in diplomacy, a field where initiatives typically require long timeframes before bearing fruit.

3.2. Mapping Opportunities

In the Brazil–Malaysia case, innovation diplomacy tools proved essential for developing a bilateral semiconductor agenda. For the acquisition and dissemination of knowledge about the sector, the first step was to develop the Mapping of Innovation-Promoting Environments in Kuala Lumpur.

A requirement for the formal creation of a sector dedicated to science, technology, and innovation in an embassy, the Mapping is a study of the foreign ecosystem. Prepared by the embassies themselves, it is based on research and engagement with local interlocutors. Intended for the Brazilian innovation system and made publicly available, the document serves both as an initial milestone in establishing contact networks and as a means of reporting to society on the work performed by Brazilian representations abroad.

Of particular relevance to this article is the fact that each Mapping includes a dedicated section identifying potential areas of synergy between Brazilian and foreign environments. First published in May 2023 and updated in December 2024, the Kuala Lumpur Mapping indicated semiconductors as a promising area of shared interest between Brazil and Malaysia.

To mobilize actors on both sides to explore possibilities for greater interaction, there were two key events: a webinar on semiconductors in October 2023 and, as a result of this event, the participation of a Brazilian delegation in the most important trade fair in the sector in Southeast Asia in May 2024.

The *Brazil–ASEAN Innovation Sessions* were a series of webinars that, within the framework of Brazil's Sectoral Dialogue Partnership with the Association, sought to reinforce the Brazilian view that relations with the region should go beyond the already important trade flows (Vieira 2023). The webinar *Brazil–ASEAN and Semiconductors: Unveiling Global South Synergies*, organized by the Embassy in Kuala Lumpur, was the starting point for contact between actors in the Brazilian and Malaysian semiconductor ecosystems. With the participation of governments, the private sector, and research and development institutions from both countries, the event promoted knowledge about the main features of the sector in Brazil and Malaysia and proved

instrumental in launching the strategic vision that there was potential for mutually beneficial collaboration.[5]

The webinar motivated subsequent contacts between participants, which helped to generate a critical mass around the topic. Building on this momentum, Brazil participated, with its own stand financed with budgetary resources from Itamaraty and approved within the framework of the PDI, in the *Semicon Southeast Asia (Sea)* fair in May 2024.[6] As the leading event in the Southeast Asian electronics supply chain, the fair provided an opportunity for most of the event's panelists to meet in person in Kuala Lumpur, seven months after the webinar on semiconductors, for a bilateral roundtable on the semiconductor industry.

4. Semiconductors in Malaysia and Brazil

The initiatives undertaken provided a better understanding of the semiconductor sector in both Malaysia and Brazil,[7] helping to identify the parameters under which bilateral collaboration could be pursued.

4.1. The Semiconductor Sector in Malaysia

The development of the sector in Malaysia began in the 1960s and 1970s. It was marked by the establishment in Penang, in the northwest of the country, of pioneering multinational firms, known as the "Eight Samurais," and was influenced by two processes. The first, domestic in nature, was the decision to orient Malaysian industrial policy toward export-led industrialization, based primarily on attracting foreign direct investment. This aspect, as will be seen, proved central to the sector's evolution in the country and, to this day, continues to influence debates on the prospects for the area.

The second, external process was a consequence of the evolution of the sector in the late 1960s and early 1970s, mainly in the United States. Malaysia, which sought to become an export platform, was identified as a potential destination for the relocation of less complex stages of electronic

5 As a follow-up to the discussions that took place in the webinar, it is worth noting the visit in March 2024 by representatives of the Eldorado Institute, a Brazilian research, development, and innovation center, to Mimos, Malaysia's leading microelectronics research agency.

6 With the support of the MCTI, the Brazilian delegation included representatives from the government (MCTI and Softex), the private sector (Abisemi and Adata), and research, development, and innovation institutions (Eldorado Institute, Renato Archer Information Technology Center, and Wernher von Braun Advanced Research Center).

7 The contacts maintained with Malaysian and Brazilian interlocutors at events such as the October 2023 webinar were instrumental in outlining the sector's landscape in both countries, as described in this section.

components production. Attractive features at the time (and also over the following decades) included tax incentives, geographical location (Penang is located on the Strait of Malacca), and comparatively lower production costs, including labor. With regard to labor, the widespread use of English among the workforce has remained an important comparative advantage for Malaysia to this day.

The geopolitical context of the period must also be taken into account: amid the tensions of the Cold War, particularly in Southeast Asia, which witnessed the Vietnam War at that time, the establishment of US multinationals in Penang, near the Thai border, may also be interpreted as a deterrent to fears of communist advances on the Malay Peninsula.

Between 1970 and 1990, the electronics sector was fundamental to Malaysia's economic development. Predominantly based on the export of raw materials such as rubber and tin, the economy diversified and became more industrialized. Through chips, it became connected, in terms of investments and trade flows, to the US and other integrated circuit production centers. From that period onward, the country established itself as a key link in the semiconductor production process, which by the 21st century had evolved into one of the most complex global production chains.

The model centered on attracting multinationals began to show signs of limitations, especially in the 1990s and 2000s. Critics argue that Malaysia risked being reduced to an "assembly and production center for multinational corporations, with local actors facing difficulties in accessing markets, securing intellectual property, and competing globally." (Embong 2025). Statistical evidence reinforces this thesis: while the sector accounts for only 6% of Malaysia's GDP, it represents in exports 40% of the country's exports.

The feeling is that the advantage of having "started ahead" in the 1960s was not properly exploited by Malaysia,[8] especially when the evolution of the sector in the country is compared with that in Asia between the late 1980s and early 2000s. This period was characterized by rapid technological evolution, greater competitiveness, and industrial development in centers other than the US, such as Japan, Taiwan, South Korea, and, more recently, China, with public investment playing a key role in expanding production and research capacities.

8 Several theoretical references provide relevant context on this issue. Keun Lee (2021) examines how foreign direct investment can be leveraged to strengthen local capabilities, presenting Penang as a case study; Hartmann et al. (2021) address the importance of productive sophistication beyond simply attracting labor-cost-driven investment; and Liew Chin Tong (2024) reflects on the need for Malaysia to move beyond this investment-attraction model.

Despite this, Malaysia has remained relevant to the global semiconductor supply chain: it ranks among the world's top 10 chip hubs, holds 13% of the global market for chip packaging, assembly, and testing, and is recognized as the sixth-largest semiconductor exporter. One of the country's current comparative advantages is its consolidated ecosystem, already well integrated into the global value chain, especially when compared to other Southeast Asian countries that have only more recently been developing their semiconductor sectors.

Malaysia's share of the global market, however, remains heavily concentrated in the back end of the industry: packaging, assembly, and testing activities. Essential to the production process, these stages are comparatively less capital– and R&D-intensive, and less technologically complex. They still generate economic impact, given the overall scale of the semiconductor industry, but they add less value and technological intensity than the so-called *front end*, which includes activities such as integrated circuit design and wafer manufacturing (semiconductor substrates, such as silicon, on which chips are "built").

Improving the country's position in the global semiconductor chain is one of the priorities of Prime Minister Anwar Ibrahim's government. The *New Industrial Master Plan* (NIMP) of 2023 and the *National Semiconductor Strategy* (NSS) of 2024 seek not only to increase the country's participation in back-end activities but also to develop front-end capabilities. Ambitious plans have recently been launched for chip design, notably the creation in 2024 of the *Malaysia IC Design Park* in the Kuala Lumpur metropolitan area, as well as a US$ 250 million agreement with the British multinational ARM in 2025 to provide local companies with access to the company's design architecture, currently used in most advanced electronic products.

4.2. The Semiconductor Sector in Brazil

Unlike Malaysia, Brazil never sought to position itself as an export, but it did develop a relatively complete chip ecosystem until the 1980s, anchored in state-owned enterprises and science and technology institutes. However, the different political and economic cycles from the 1990s to the early 2000s, combined with a process of deindustrialization, weakened the trajectory of the country's semiconductor sector. The emergence in 2007 of PADIS (Program to Support the Technological Development of the Semiconductor Industry) represented an attempt at recovery. Designed as a legal framework for the industry, PADIS aimed to promote the establishment and maintenance

of companies engaged in the design, development, and manufacture of semiconductor devices within Brazil.

Although the Brazilian ecosystem currently includes back-end (assembly and testing) and front-end (design and manufacturing) companies, as well as universities and research, development, and innovation centers, there is a certain mismatch between Brazil's economic weight and the degree of participation and integration of its electronics sector into global markets.

Current sectoral policies seek to ensure that Brazil's scientific and technological potential translates into greater economic complexity for the chip sector. This could be achieved by diversifying and intensifying back-end production, currently concentrated in the mobile phone and computer memory segment, and encouraging front-end activities. The Brazil Semiconductors Program—Brasil Semicon (Law No. 14,968, of September 11, 2024), which improves the legal framework established by PADIS, is designed to revialize all stages of production, stimulate domestic production, and increase the country's integration into global value chains.

Brasil Semicon is related to Nova Indústria Brasil (NIB), the country's new industrial policy launched in 2024. Under Mission No. 4 (Digital Transformation of Industry to Increase Productivity) NIB recognizes semiconductors as a strategic priority, seeks to reduce productive and technological dependence on nano– and microelectronic products, and aims to strengthen the global positioning of the domestic industry.

The priority given to semiconductors in industrial policy is justified by their role in safeguarding national technological sovereignty and serving as a productive foundation for innovative and sustainable reindustrialization. They are also a critical enabler for artificial intelligence infrastructure, such as data centers, and technological progress in strategic areas such as energy, health, defense, and mobility.

5. From Competition to Collaboration

5.1. Dialogue to Build Trust

The exchange of knowledge and the promotion of interactions between actors in the Brazilian and Malaysian ecosystems gradually helped define the parameters that would guide chip diplomacy.

As noted, Brazil's semiconductor sector has traditionally focused on the domestic market and remains not properly integrated into global value

chains. In Malaysia, the evolution of the chip industry was stimulated by foreign direct investment, which did not necessarily favor the emergence of national companies that would occupy a central position in the local ecosystem or the international stage.

Before the contacts, the first impression was unfavorable to bilateral rapprochement. There were fears that the two countries might end up as competitors, with advantages for Malaysia, which is more integrated into the global chain. Since both countries had specialized in chip packaging and testing, there were legitimate concerns in Brazil regarding the production of memory chips, the country's main industry segment, which has managed to remain relevant despite the process of deindustrialization observed in recent decades.

Shifting from a competitive to a collaborative mindset was only possible thanks to a process of building trust through sustained dialogue between actors from both countries. Both sides gradually opened up to exploring alternatives to their established models: Brazil's historically inward-looking approach, and Malaysia's dependency on foreign financial and technological inputs.

In its contacts with the Malaysian side, Brazil did not position itself as a mere potential market for semiconductors produced in Southeast Asia. Instead, it emphasized its interest in exploring opportunities with strategic significance in areas such as professional training and technological partnerships, in a joint effort resulting from an alliance between the government, the private sector, and research and development institutions.

From this strategic perspective, the size of the Brazilian market could certainly be presented as an attractive factor, but in a qualified way. The country's industrial base would no longer be threatened, but could benefit from the contact and new dynamics created through horizontal partnership between countries with similar interests. In the same vein, the large Brazilian market could offer the necessary scale to support devices or technologies created jointly, in collaboration between research institutes, for example.

For Brazilian stakeholders, exposure to the external environment ended up favoring a process of self-knowledge, helping to better identify and formulate the sector's interests in Brazil. One of the most significant consequences of the rapprochement with Malaysia may have been the shift in attitude: rather than viewing dialogue with apprehension, it came to be seen as a tool for building trust and the process of identifying synergies as an opportunity to enhance industrial capacity and national talent.

5.2. Shortcuts to Strategic Objectives

Actors from both countries began to value the advantages of an exploratory and horizontal approach. There was a clear understanding of the limits of the proposed collaboration: it was not a definitive solution, but rather a complementary alternative to national strategies, which could offer opportunities in specific priority areas of their respective industrial policies.

Both sides acknowledged the growing competitiveness and complexity of the sector and recognized that, as developing countries in the Global South, Brazil and Malaysia face difficulties in competing directly at the most advanced fronts of the sector and moving up in the global value chain.

They also face challenges in achieving industrial catch-up. Due to the rapid evolution of the chip production chain, today's state-of-the-art technology quickly becomes outdated, and the cutting-edge technology of tomorrow will have received substantial investments before it prospers commercially and becomes dominant in the market.

Despite the challenging environment, there are opportunities in both countries that can be exploited to enhance their established industrial and research capabilities. If there is interest in seeking a more qualified and competitive insertion in the global production chain, this goal can be pursued jointly.

As part of the process of changing mindsets, it was identified that: i) collaboration can help reveal concrete shortcuts that are mutually beneficial for achieving national strategic objectives; and ii) bilateral rapprochement should prioritize the promotion of shared development structures, such as joint ventures, that leverage Brazilian and Malaysian capabilities—to the detriment of the traditional focus on attracting foreign direct investment, which has typically characterized relations with developed countries.

6. Brazil–Malaysia Chip Diplomacy: Partial Assessment

Moore's Law is always cited in texts on semiconductors. The "law" refers to a prediction made in the 1960s by Intel co-founder Gordon Moore, which held true for decades, that the number of transistors on a chip would double every two years at the same cost, resulting in increased computing power.

The sector's progress has been so impressive that the continued chip miniaturization has imposed physical and chemical barriers to the continuity of Moore's Law. If, in 1965, transistors measured about 10 micrometers—roughly 10 times thinner than a human hair—today, state-of-the-art transistors are

being designed at about 2 nanometers, which is 50,000 thinner than a hair and even smaller than a DNA molecule. The industry then began to discuss "more than Moore" innovations, which would allow the capabilities of chips to be expanded beyond miniaturization.

The digression with the mention of Moore's Law is to emphasize that no one could foresee the outcomes of the Brazil and Malaysia's bilateral agenda on semiconductors when the sector was first identified as a potential area of bilateral synergy in science, technology, and innovation, which was then beginning to be explored.

After two years, however, rapid progress has been noted. Semiconductors are one of the pillars of the current bilateral relationship between Brazil and Malaysia, and projects that could benefit both countries are under discussion.

Although not meticulously planned at the beginning of the rapprochement process, concrete actions have always been within the realm of possibility and aspiration. This characteristic of dealing with possible horizons may have been essential to the developments that have taken place. By framing initiatives as possibilities, actors avoid frustration when goals are not met and, more importantly, ensured rapid adaptation to redirect limited resources toward initiatives that show greater promise at a given moment (Rodrik 2004).

Chip diplomacy between Brazil and Malaysia currently covers several segments of the semiconductor production chain. In addition to industrial and technology-promotion projects in the back end and front end, there are efforts to institutionally consolidate interactions between stakeholders in both countries, cooperation among research, development, and innovation centers, and discussions on partnerships between Brazilian and Malaysian universities for professional training. Aligned with each country's national strategies for strengthening the sector, the agenda has political support at the highest level.

6.1. Industrial Collaboration Initiatives

The objective of diplomatic action should be to pave the way for concrete initiatives that contribute to social inclusion, to reduce inequalities, and to promote the sustainable and sovereign development of the country. Chip diplomacy, in addition to projecting Brazil's image as an innovative nation, should therefore also seek to generate quality jobs and facilitate the country's access to strategic technologies.

In practice, supporting concrete initiatives requires deepening contacts with private sector actors and research centers. A better understanding of

existing interests and possibilities is a prerequisite for developing strategies that can benefit the country and all stakeholders involved. Maintaining this dialogue in an institutional, transparent, and coordinated manner lends legitimacy to the work of innovation diplomacy agents.

As noted in the *Sectec Manual*, diplomats' greater access to governments and key players in foreign innovation ecosystems allows them to act as facilitators between institutions, researchers, and companies, as well as promoters and defenders of national technology sectors. The traditional recording of activities by embassies to the Secretary of State, with analyses and reports on actions and their developments, serves as a basis for more agile, modern, and sophisticated action, one that actively identifies opportunities that can benefit Brazil.

Networking between the Brazilian and Malaysian semiconductor ecosystems led to the creation of unique dynamics among the players. The prospect of chip diplomacy quickly expanded. With the consolidated idea that bilateral rapprochement could be beneficial to both parties and with mutual confidence to explore possibilities, interlocutors began to get to know each other better and establish new relationships. In a relatively short period of time, it became possible to glimpse concrete results for the proposed cooperation in areas initially considered more complex, such as in the examples of industrial collaboration described below.

*

One of the concrete initiatives resulting from chip diplomacy was the Brazilian group Tellescom's project to seek a technology partner in Malaysia.[9] The goal is to establish a joint venture to build factories in Brazil dedicated to chip encapsulation and testing, which will be used mainly by the Brazilian automotive industry. If negotiations currently underway between the Brazilian group and its Malaysian counterpart are concluded successfully, the initiative will be an example of industrial cooperation that, in line with the objectives of Nova Indústria Brasil and the Brasil Semicon Program, could contribute to increasing the country's participation in the global semiconductor chain.

9 The Malaysia Digital Corporation (MDEC) has been a key partner of the Embassy and played an essential role in identifying local partners. Due to the bilateral agenda on semiconductors, Brazil was included as a new potential market to be explored by the agency. In a six-month period between 2024 and 2025, MDEC organized two missions to the country, which were essential for generating interactions between actors and including other agencies in the network that formed around the topic. The interest of the InvestRS agency and the Rio Grande do Sul State Secretariat for Innovation, Science, and Technology in projects with Malaysia is an example of this process.

If the joint venture is confirmed, the partnership could represent an investment in Brazil, in capital expenditures, of around US$ 170 million (Knebel 2025), which would include infrastructure costs, such as the construction of a clean room and the acquisition of production equipment. This would generate quality jobs in Brazil, provide a local alternative to supply part of the demand for semiconductors from the automotive industry in the country, and open up the possibility of exporting components produced in Brazil to other countries.

*

In addition to this back-end project, chip diplomacy has also paved the way for a bilateral initiative on the front end. With support from the Embassy and Brazil's Minitry of Science, Technology and Innovation (MCTI), the Brazilian technology ChipInventor, developed by the Wernher Von Braun Advanced Research Center,[10] was promoted.

ChipInventor is an innovative platform for chip design. Compared to the main existing tools, the Brazilian technology stands out for being more accessible. It allows for web-based design and more economical chip production, characteristics that favor the use of the tool for educational and training purposes, but also for innovation, since the costs for prototyping and manufacturing new solutions are lower.

Because it is affordable and accessible, ChipInventor democratizes access to chip design, reducing barriers to entry and favoring the development of innovative solutions. The best example to illustrate its potential is the interaction between the Von Braun Center and the Malaysian hybrid drone company Alphaswift. After learning about Brazilian technology in November 2024 during a prospecting mission to Brazil organized by a Malaysian agency, Alphaswift managed to develop its own chip to for use in its drones in just three months (Lee 2025).

The promotion of ChipInventor underscored Brazil's capabilities in one of the most advanced segments of the semiconductor chain. It also strengthened chip diplomacy and projected the country's image as an innovative nation. Brazil's collaborative approach, with the possibility of sharing, transferring,

10 In April 2025, as part of the Innovation Diplomacy Program, a technology promotion mission was carried out in partnership with the Malaysia Semiconductor IC Design Park and the Advanced Semiconductor Academy of Malaysia (ASEM), with support from Amazon Web Service (AWS). As a result of engagement with Malaysian actors, Brazilian technology developers indicated plans to maintain a presence in Malaysia and expand operations in Southeast Asia, with a view to promoting ChipInventor in the country and the region in a structured manner. The action was a direct result of the entity's participation in the Brazilian delegation to the Semicon Sea fair in May 2024.

and jointly developing technology, while allowing concrete gains for both sides, stands out as a model of cooperation between countries in the Global South.

6.2. Institutional Consolidation of the Rapprochement

Due to its growing relevance in bilateral relations, the semiconductor partnership should be reflected in the legal and institutional framework of the Brazil–Malaysia relationship. Memoranda of understanding on science, technology, and innovation, negotiated between the ministries of Science, Technology, and Innovation, and on cooperation in semiconductors, between the ministries of Industry, are at an advanced stage of negotiation.

As chip diplomacy also includes the private sector and research, development, and innovation centers in both countries, instruments involving sector associations and research centers have been signed.[11] Cooperation between research centers is what potentially allows for the exploration of niches of greater technological intensity, in which Brazil and Malaysia would have the opportunity to position themselves at the forefront of the sector.

In the area of research and professional training, the Embassy has facilitated contacts between Brazilian universities (UFRGS and Unisinos) and Malaysian universities, and other agencies and institutions. Possible collaboration is under discussion within the framework of the federal microelectronics residency program CI-Inovador and a similar program in the state of Rio Grande do Sul, which would include training activities for Brazilian participants in Malaysia. A partnership in this area, if confirmed, would constitute a front of action that tends to consolidate, deepen, and provide continuity for interactions between actors in the two ecosystems.

From a political standpoint, the bilateral rapprochement in semiconductors was endorsed by the Joint Declaration issued after the meeting between President Lula and Prime Minister Anwar Ibrahim at the G20 Summit in November 2024. Paragraph 12 of the document reads as follows:

> [The two leaders] supported efforts to develop bilateral collaboration in the semiconductor sector through increased dialogue between the governments, the private sector, and research, development, and

11 In November 2024, during Prime Minister Anwar Ibrahim's visit to Brazil, two memoranda of understanding were signed: i. between industry associations—for Brazil, Abisemi (Brazilian Semiconductor Industry Association) and Abinee (Brazilian Electrical and Electronics Industry Association) and for Malaysia, MSIA (Malaysia Semiconductor Industry Association); and ii. between research, development, and innovation centers—Brazil's Instituto Eldorado and Malaysia's Mimos—at the suggestion of the MCTI, the interaction between Instituto Eldorado and Mimos, still in its infancy, also came to include the National Institute for Space Research (INPE) and the Renato Archer Information Technology Center.

innovation institutions in both countries, reaffirming the benefits of an exploratory, horizontal, and collaborative approach that is aligned with the industrial policies of both countries.

7. Conclusion: The Need to Innovate in Bilateral Relations with the Global South

7.1. Bilateral Agenda with the Global South

It would be inaccurate to say that there is a typology for Brazil's bilateral relations with different groups of countries. Reality is always more complex than any abstract classification. Still, as an approximation, one can consider that Brazil's diplomatic experience is more consolidated with certain groups of countries than with others. Compared with bilateral relations maintained with other countries in the Global South, Brazil's diplomatic experience is already much more solid in its bilateral relations with nations in South America and Latin America; developed or Global North countries; and relatively less developed countries.

In an imperfect simplification, relations with South and Latin American countries tend to be deeper, favored by geographical, cultural, and historical proximity and integration mechanisms. With developed countries, there is generally a diverse agenda, supported by established trade and investment flows (here, the US and Canada, Western European countries, and some Asian countries, such as Japan and South Korea, but also China, could be included). With relatively less developed countries, in turn, bilateral relations tend to be heavily influenced by technical cooperation projects, in which Brazil transfers or shares knowledge with entities in partner countries.

In the case of countries in the Global South, there is a tradition of formalizing coalitions in multilateral forums on various issues, which is particularly relevant in the current context (Spektor 2025). However, there is still a lack of consolidated practice in bilateral relations. This characteristic tends to be more relevant in the case of countries in the Global South that are not Latin American. Malaysia, other Southeast Asian nations, and some of the new BRICS members and partners, for example, would fit into this group.

7.2. The Role of Diplomacy in Breaking Inertia

In the absence of a consolidated practice, inertia prevails, which favors neither innovation in methods nor substance. Ongoing processes tend to be maintained or deepened.

In the Brazilian case, in addition to greater organization in the private sector, the government structure supporting the maintenance and expansion of exports in the national agricultural sector is already well established. The dynamic network formed by Itamaraty, the Ministry of Agriculture, Fisheries, and Supply (MAPA), agencies such as ApexBrasil and Embrapa, associations, and companies in the sector is an example of a coordinated circuit that functions efficiently, with multiple layers of interactions among its actors. The important role of the agro-export sector in Brazil's trade balance justifies the continuous improvement of this structure, as has recently occurred through the expansion of the network of agricultural attachés abroad.

In order to diversify and add value to Brazil's export basket, promote national technologies, and identify opportunities for collaboration in ongoing reindustrialization efforts on a sustainable basis, it is necessary to develop new "integrated circuits." Prioritizing knowledge diplomacy issues in Brazil is crucial not only for its intrinsic relevance and its impact on the global economy and societies (Lopes 2023), but also due to the current characteristics of the "national political geography" (Alencastro 2022), marked by the economic and social weight of agribusiness.

Brazilian diplomacy can play a fundamental role in the political-institutional process of recalibrating the national productive structure. The desire for the recovery of the industrial sector in Brazil is directly influenced by the external scenario, which presents possibilities and imposes constraints.

Because it has the capacity to provide input on this relationship, with a cross-cutting medium—and long-term vision, the Ministry of Foreign Affairs should seek to contribute increasingly to the process of formulating public policies and strategies on the subject. The semiconductor sector again offers a relevant example: decisions and processes initiated today will determine the relative position of countries in terms of competitiveness, as well as their resilience or vulnerability and technological dependence in the coming decades.

7.3. Innovating in Form and Content with Countries in the Global South

Relations with countries in the Global South are marked by horizontality. Typically, both partners face comparable levels of development and similar challenges to overcome. The tradition of coordination in multilateral spheres,

in addition to indicating shared views of the international landscape, tends to help foster mutual trust.

Horizontality and trust are fundamental elements for exploring the possibilities that exist in bilateral relations, including collaborative solutions based on the joint development of technologies. As explained in this text, chip diplomacy between Brazil and Malaysia was based on an exploratory, horizontal, and collaborative approach.

In developed countries, the ease of identifying cutting-edge technology sectors often comes at the cost of limited access to this type of technology. With developing countries, this relationship does not necessarily hold true. Sometimes, cutting-edge sectors—or those with the potential to become so—are not immediately recognizable, but once identified, there are better conditions for establishing relationships that allow for genuine technology sharing, transferring, or joint improvement.

Identifying opportunities in the Global South, however, is rarely among the priorities of government agencies, institutions, or the private sector. There are several reasons for this. In addition to a lack of knowledge and linguistic and cultural barriers, the generally scarce human and material resources tend to reinforce traditional inertial tendencies, such as turning to countries in the North, which are considered, despite the difficulties in sharing technology, "natural" partners for qualified insertion into more advanced production chains.

This context underscores the strategic importance of diplomatic action. In markets whose full potential is still unknown, it is even more important to equip embassies with the capacity to play a pioneering role. Innovation diplomacy has the right tools to do this—not by prescribing a rigid model, but by proposing a working approach that fosters networking and autonomy. While not exclusive to relations with countries in the Global South, this approach proves particularly useful in relations with this group of countries.

The intelligence produced by Brazilian embassies abroad can be a catalyst for the formation of new "integrated circuits": innovative structures involving governments, the private sector, research, development, and innovation institutions, as well as universities that focus on concrete initiatives in strategic areas.

In terms of cost-benefit, strengthening diplomatic action in countries of the Global South is a relatively low investment. Coordinated through the embassy network, it does not demand disproportionate expenditure of budgetary or institutional resources. This is positive both because of the potential gains that can be obtained and because it mitigates the impact if the initially expected results are not achieved.

In terms of human resource allocation, the addition of an extra diplomat to the embassy in a Global South country should be seen as a potential asset, to be used to identify and promote the strategic interests of various national productive ecosystems. For professionals abroad, the prospect of networking, with a more dynamic approach, will be stimulating, as it will allow them to explore several fronts at the same time, with the autonomy to reorient their actions towards the areas that prove most promising.

Developing new structures for collaboration in bilateral relations with countries in the Global South requires a willingness to innovate in form and content. Through its network of posts abroad, Itamaraty can, with the diplomacy of innovation, be an agent for inducing new dynamics. Using the terms of economist Mariana Mazzucato, whose concept of mission-driven economics is a reference for the industrial policies of Brazil and Malaysia, it is necessary to trust in the benefits of acting with boldness and experimentation, taking risks together and sharing rewards.

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